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CALENDAR

OF

STATE PAPERS,

COLONIAL SERIES.

AMERICA AND WEST INDIES.

DEC. 1, 1702–1703.

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EDITED BY

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CORRIGENDA.

1700.

Page 475, line 4 from top, *for* May *read* Aug.

1701.

,, 110, line 3, *add*, *and* 5, 1084. *No.* 1*a*.

1702, 1703.

,, 96, 12 lines from bottom, *for* Asher *read* Usher.

No. 258, line 2, *for* Quar *read* Quary.

Page 152, 7 lines from bottom, *for* Jan 28 *read* Jan. 21.

,, 155, 13 lines from bottom, *for* Hodges *read* Hedges.

,, 296, *No.* 517, *for* Port *read* Fort.

,, 321, *for No.* 536 *read* 536a.

,, 460, line 12, *for* Hitchins *read* Hutchins.

,, 482, *No.* 787, line 2, *for* preceding *read No.* 792.

,, 489, 8 lines from bottom, *for* Rome *read* Romer.

,, 512, last line but one, *for* 48, *read* 48*a*.

,, 549, line 3 from bottom, *add*, *and* 5, 1291. *pp.* 55–58.

,, 579, 16 lines from bottom, *for* Nicholas *read* Nicholson.

,, 730, line 11, *for* reccommend *read* recommend.

,, 740, line 29, *dele* applied.

,, 897, line 3 from bottom, *for* Governour *read* Govrs.

PREFACE.

In previous volumes the Editor has endeavoured to provide in his Preface a complete guide to the contents of the documents calendared. But in order to hasten the process of making these Colonial Papers accessible to the Public, he will in future devote only a few pages to the Preface, calling attention briefly to the main events recorded and to the General Reports of the Council of Trade. The space so saved will be devoted to the printing of further documents. Mere abstracts and memoranda will henceforth not be calendared. And, with the beginning of the year 1704, the Journal of the Council of Trade and the Sessional Papers of the various Colonies will be omitted from this series. Arrangements are being made for their publication in separate form.

The War in the West Indies.

The War which was being conducted with such brilliant success by Marlborough at home, produced nothing but inglorious failures in the West Indies. It had been planned that an expedition under the leadership of the Earl of Peterborough should destroy the French settlements on Martinique and Guadeloupe, possibly make a descent upon the Spanish towns on the mainland, and then deliver a blow against Placentia and the French fishery in Newfoundland (125, 170, 192, 274). Hungry eyes, too, were turned upon Havana (193). But the expedition under Commodore Walker wasted over two months at Barbados before sailing for the Leeward Islands, where Codrington was eagerly waiting with a regiment he had raised (164, 200). Sickness, desertion, and the hospitality of the planters (362) had already played havoc with the naval forces; to this fact and to this delay, which gave the French time to prepare, and to call in their privateers, as well as to the lack of co-operation between the Army and Navy, Codrington

Guadeloupe.

attributes the failure of the attempt upon Guadeloupe. The ships, too, were crazy, frigates lacking, provisions bad, and the *personnel* of the Navy reduced and sickly (230, 289, 362, 1071, 1128). The point of view of Commodore Walker, which is far from being that of the General, Codrington, is given in an exceedingly interesting journal (737).

The effect of the failure of this assault was seen in a great increase in the French privateers commissioned from Guadeloupe and Martinique (*pp.* 571, 617); the coastwise trade and that of the islands suffered severely, as Governors and the Council of Trade had foretold; 90 English prizes had been brought into Martinique by September (*p.* 669); the Leeward Islands began to dread invasion by the French (*pp.* 571, 750, 818).

Newfoundland.

After the fiasco at Guadeloupe, the expedition passed in July to Jamaica, where much discontent was caused by the pressing of inhabitants (*p.* 791); then proceeded to Newfoundland. There the settlers were calling for help and fortifications in dread of French aggression (156). But when the fleet arrived off Placentia, the season of the year was already far advanced, and the French had already thrown reinforcements into the place (1191.i.). After a Council of War held in St. Mary's Bay, Vice-Admiral Graydon, who, it is suggested, was "Kirby inclineable," decided not to deliver an assault (1071, 1128, 1381.i.).

Carolina.

Nor, on the mainland, did a daring, perhaps foolhardy, attempt to secure the Southern frontier of Carolina by capturing Fort St. Augustine in co-operation with the Indians, prove, after a more successful beginning, more profitable in the end. Spanish men-of-war from Havana raised the siege of the Fort, and compelled the besiegers to retreat after burning the town and their own vessels (303). A raid on the Spanish mines of Sta. Crux d'Cana had little effect except to annoy the Spaniards (22). For a future expedition Col. Beckford recommends the Panama Canal route (*p.* 24).

Bahamas raided.

At the end of August a joint-expedition of French and Spaniards landed in the Bahamas, destroyed the town of Providence, put the male population to the sword, and carried off the President (1098, 1150, 1181, 1223, 1383, *p.* 751).

Proximus ardet was then the cry upon the mainland. Col. Quary sent home a comprehensive proposal for the convoying of trade and the protection of the coasts, which was soon to bear fruit (1389.ii., *p.* 734).

Problems arising from the War.

Loss and inconvenience were universally experienced from the war. Although the correspondence here calendared is sufficiently voluminous, it would have been larger had not many letters been captured at sea (996 *etc.*). Many questions arose to occupy the attention of ministers and the Council of Trade—questions of Admiralty and of Commissions for privateers, of the sharing of prize-money, of embargos and convoys, of dates for the sailing of merchant ships to suit their convoys and the conflicting interests of merchants. These matters provide incidentally a good deal of information as to the movements of ships and the course of trade. Prolonged waiting for convoys in tropical seas caused damage from the worm to unlined timber hulks, whereby many vessels foundered on their belated voyages home. Outward bound ships sometimes lay for 6 months in the river. The irregular supply of commodities from England involved great inconvenience and high prices in the new countries, which depended upon the old for manufactured goods and even provisions (1270, 1275). The Report of the Council of Trade upon the needed convoys is given (1389.ii.).

Complaints were frequent, both at home and in the Colonies, as to the evil of pressing, the damage done thereby to trade and its unsettling effect upon the Colonists. The relations between Governors and Commanders of men-of-war continued to give rise to unpleasantness, as in Jamaica, New York, Virginia and Maryland. The scarcity of seamen caused a Bill to be brought into the House of Commons relaxing for the time being the stringent protective legislation by which the British Mercantile Marine was being built up (345).

Whilst the exchange of prisoners under flags of truce gave rise to suspicion of collusive trade with the French (298 *etc.*), the Dutch Colonists of Curaçoa *etc.*, ignoring the instructions of the States General, carried on an open trade with the Spaniards (6, 472, *p.* 572). English traders, who were strictly forbidden to traffic with Spain (March 20), were naturally dissatisfied at seeing this profitable business engrossed by the Dutch and Danes; but the change in the political situation, when the Archduke of Austria was declared King of Spain, gave them relief. In September orders were despatched by the Secretary of State, Lord Nottingham, directing Governors to open correspondence and commerce with the Spaniards, with the object of detaching them from the French (1088*ff.*).

Naval Stores.

Taking advantage of the war, the Swedes, as had been foreseen, availed themselves of their practical monopoly of naval stores to double the prices of pitch and tar (1185). The necessity of developing the resources of England in America became more imperative than ever, and methods of nursing a trade in naval stores into life by a preferential tariff for the Colonies were considered. In pursuance of the policy of former years, many negotiations took place with a view to forming a Chartered Company for the supply of these commodities from New England and Carolina, the Council of Trade insisting upon the insertion of clauses characteristic of the age, intended to prevent the possibility of "stock-jobbing" (165).

The Nelson cry for frigates, to protect the Islands and the coast trade, and the demand for regiments of regulars, to relieve the intolerable strain of the militia, were heard from the Massachusetts Bay to the Leeward Islands, but the Colonists did not prove themselves so ready to combine for their own defence or to support H.M. forces when they were sent to defend them.

The Quotas.

Governors were ordered to put further pressure upon the Assemblies to contribute their quotas towards the defence of the frontiers of New York (540, 720*ff.*). Governor Nicholson, on a visit to New York, tried to force the hand of the Virginians by giving bills to Lord Cornbury for 900*l.*, and Maryland voted, but did not pay, 300*l.*; the other Provinces made no response to Cornbury's call for money, nor was a demand for men likely to meet with better success (860).

Reports upon the defences of the Colonies etc.

The reports of the Council of Trade upon the defences of New York, the Massachusetts Bay and New Hampshire, with their recommendations, are given (533, 611), and their general report upon the ships of war required for the Plantations (1389). Their review of the year's work, and of the trade and government of the Colonies, referred to (1390), is printed in full in the *Calendar of the MSS. of the House of Lords.*

Governors' Salaries.

The long-considered question of making Governors independent of the presents of the Assemblies was settled by an Order of Council which fixed their salaries, to be paid out of H.M. Revenue, except in the case of the Proprietary and Charter Colonies. Maryland, the Massachusetts Bay, New Jersey and New Hampshire were urged to grant a fixed and permanent allowance to their Governors (536, 566).

Coinage.

Another matter which had long been under consideration was the evil arising from the varying rates of foreign coins in the several Plantations. It was now decided to fix the value of all such money by royal Proclamation (892, 974, 1299).

An interesting report upon the effect of the Wool Acts upon Colonial industry is given (1453).

Acts Repealed.

A considerable number of Acts were repealed. The reasons are given in the reports of the Council of Trade and the Attorney General, and are usually based on grounds of incompetent drafting, infringement of the prerogative of the Crown or interference with the liberty or rights of the subject, actual or prospective (445). The Board insisted strongly upon the sending over of Acts for confirmation without delay, it having been found that Acts, which were thought likely to be repealed, were held back from their consideration (1175). This is indicated, also, by the dates of some of the Acts reported upon in this volume (1454).

Plantation Justice.

In view of the complaints which we have seen in former volumes, a circular letter was addressed to Governors, exhorting them to see to the prompt and impartial administration of justice, and recommending the establishment of Courts to determine small causes (578.i.).

Court Records.

Returns of causes heard in the Colonial Courts are indicated and may provide a fruitful source of investigation for searchers interested in genealogical matters (1420).

Sessional Papers not Gospels.

The same care was taken to insure the sending over of the Minutes of Councils and Assemblies, but these, when they did arrive, cannot always be treated as Gospel. They were often faked by Governors or parties interested, as the records of Virginia, Barbados and Jamaica in this volume show, and, without the elucidation of other correspondence, are frequently unintelligible, or designedly misleading.

Mail Service.

Mr. Dummer's new packet-boat service proved regular and successful beyond expectation, and a further service for the mainland was considered (376*ff.*, *p.* 238).

Thanksgivings.

Thanksgivings were officially proclaimed all over the Colonies for the successes of H.M. arms in Europe.

Indian Outbreak.

In Massachusetts a rising of the Eastern Indians was expected in the spring. An Act was passed for listing every fourth man to be ready to march within 24 hours (Dec., '02) and scouts and reinforcements were sent upon alarms to the frontiers (30). Thanks to such precautions the Indians at first remained quiet beyond hope (315, 460, 739, 969, *etc.*).

When a small party of Frenchmen from Port Royal and 200 Cape Sable Indians fell suddenly upon the frontiers of Maine in August, the garrisons of Wells, Saco, Blackpoint and Cascobay were able to hold their own till relief came (1067, 1094). At the latter place the *Province* galley arrived in the nick of time. Dudley's account of the relief reminds one of a very similar scene in *Masterman Ready*.

An expedition against Port Royal had been contemplated in the spring (500). Dudley was now anxious to carry the war into the enemy's camp and to harass the Indians by a winter campaign (1198). But the Representatives in December asked him to abandon this project and even to reduce the number of soldiers in pay (*p.* 853, *No.* 1422).

The Five Nations.

Livingstone, the Secretary for Indian Affairs, made a report, in accordance with which the Society for Propagating the Gospel undertook to send two Ministers to live among the Five Nations, and asked for aid from the Crown to send more (1018, 1395). Meantime Lord Cornbury reported the presence of Jesuit priests at

Onnondage, and preparations by the French in Canada for a raid (1078).

Connecticut.

From Connecticut Nicholas Hallam came to London to seek redress for the grievances of the Mohicans (1353). Other complaints against that Government and Rhode Island for harbouring deserters, encouraging illegal trade and refusing to help their neighbours, were repeated by Cornbury and Dudley (673, *p.* 524), and efforts to revoke their Charters were not relaxed. The Attorney General, however, could not advise that the Government of Rhode Island had, as was suggested, rendered void their Charter by their Act for erecting a Court of Admiralty in 1694 (1348, 1415).

Rhode Island.

Defences of Massachusetts.

The great expense of keeping the Province upon a war footing, and of completing the "good and honorable" work of the fort on Castle Island (543), gave the Representatives of the Massachusetts Bay reasonable excuse for not contributing their quota to New York, or rebuilding the fort at Pemaquid, to which they were otherwise little inclined on account of commercial considerations (518, *p.* 409), in spite of repeated pressure from Whitehall (687.i.). The Governor's application for help from the neighbouring Governments of Rhode Island and Connecticut in this crisis met with no response (*p.* 651, *etc.*). The Representatives of Massachusetts were equally unready to allow their own Government the usual discretion as to sending help to New York (*p.* 602). Nor would they contribute to the repair of the Fort at Piscataway, which New Hampshire had again been ordered to complete (687.i.).

The Representatives and Government Salaries.

No persuasion from Dudley could induce the Representatives to obey the Queen's commands and to fix the Government salaries (597). Clinging obstinately to the right of controlling supplies, like their brethren in Jamaica, they declared that an establishment would be prejudicial to the people, and contented themselves with voting utterly inadequate annual allowances to the Governor and the Judges (940, 953, 1201, *pp.* 40, 41, 602, 814). Dudley denounced his Council, coopted by the Representatives, as "Commonwealth men." "Till the Queen will name her own Council," he says, "the best men in the Province can have no share in the Government" (*p.* 691).

Usher also declares the country to be "for setting up Commonwealth Government" (*p.* 919).

New York. The Leislerites. Atwood and Weaver arriving from New York made their defence before the Council of Trade (100, 101, 160, 194), but their removal from the Council, as well as that of Staats, Depeyster and Walters, was confirmed. The sentences on Bayard and Hutchins were reversed, and Some Acts. the Acts, which had been rushed through before Lord Cornbury's arrival, repealed (100, 102, 224, 249). In New York, a Bill declaring the illegality of the proceedings against Bayard and Hutchins was introduced in May (709).

Other Bills, to forbid the distilling of rum and burning of oyster shells within the city, as being the cause of the recent outbreak of sickness, reflect the state of medical knowledge at the time (*p.* 352). The adjustment of Lord Lord Cornbury's Partisanship. Bellomont's accounts gave rise to much correspondence and to a display of partisanship by Cornbury, who also found means to detain Capt. Nanfan in gaol, in connection with the payment of the Four Companies (290, 295, 383).

The Council of Trade exhorted Lord Cornbury to pursue a policy of moderation, and expressed their surprise at his having reappointed Honan Secretary of the Province (249, 347).

Defences. Cornbury took in hand the repair of the fortifications on the frontiers, and the regulation of the Militia (861), and persuaded the Assembly to vote 1,500*l.* for the building of two batteries to protect the Narrows of the harbour Vote for Batteries. against a threatened attack by the French (571, 726). The Assembly insisted that the money should be devoted exclusively to this purpose, and at the same time petitioned the Crown for aid (748, 822).

New Jersey. Lord Cornbury visited the newly constituted Province of Nova Cæsaria, or New Jersey, in the spring, and proceeded to settle the Courts, and also the Militia, much to the annoyance of the Quakers, who were, however, he declared, in the minority. The land-owning qualification of the electorate and Assembly, said to be a contrivance of the Scotch party, also gave rise to dissatisfaction (*pp.* 301, 644). When the new Assembly met, the result of what Col. Quary describes as an unjust election was that the Scotch of East Jersey and the Quakers of West Jersey were found to be in a majority (1400). The major part were Proprietors, and a Bill was passed to secure the territorial rights of the Proprietors; it affirmed their title not only to New Jersey, but also to Staten Island, which had been declared to belong to New York.

All royalties were assigned to the Proprietors, whilst the claims of those who held under grants from Col. Nicholls were denied. Unimproved lands—the estates of the "topping" Proprietors—were exempted from taxation, and thus the whole burden was thrown upon small farmers and freeholders of a few acres.

In order to induce the Governor to pass this measure a money-bill was tacked to it providing a year's revenue for the Government. A Bill for altering the qualification of voters and representatives, so as to do away with the landowners' monopoly, was also introduced (1285). Cornbury, seeing that the Assembly would settle no Revenue unless the Proprietors' Bill was passed, adjourned them till May, the sole fruit of the Session being a short Act to forbid the purchasing of lands from the Indians without a licence from the government (1386). Col. Quary's account of these proceedings and of his own share in them, and his pertinent criticisms of the Bill are given (1400), but Lord Cornbury's own despatch on the subject was not written till the January of next year (1704).

New Hampshire.

Lt. Governor Usher.

In spite of some opposition, of which Major Vaughan was the mouthpiece, John Usher was re-appointed Lieutenant Governor of New Hampshire in the room of William Partridge, removed (300, 309, 614, 715, 789). Upon his arrival in October, he reported that the defences of the Province were in a miserable condition (1225), but in response to pressure from Whitehall a sum, large in proportion to the resources of the country, was voted towards reconstructing the Fort at Piscataway (315, 611, 687.i., 1365). Usher naturally found himself in antagonism to Partridge and Waldron, and he complains, in letters written in a characteristically cryptic style, that his reception "had the ceremony of a funeral posture," and that Partridge and the party opposed to Crown government really continued to hold the reins of power (1425*ff.*). An inquiry was instituted into the public accounts of past years (1365), and the Governor, Dudley, on visiting the Province, inquired into the cases of George Jeffrey and Sampson Sheafe (996.i.). Orders were given for the permanent fixing of the salaries of the Governor and Lieutenant Governor (601). There was some friction between Usher and Dudley as to granting Commissions (1425*ff*.). The former dissolved the Assembly in December and explains that he did so before the latter's instructions to the contrary reached him (*p*. 917).

Claim of Samuel Allen.

The Attorney General stated his opinion that the title of Samuel Allen to the "waste lands" was good (65, 66, 68, 257, 265, 501), and directions were given that, in the event of a trial, the matters of fact should be specially found (580). But two Acts passed there gave the claimant cause to protest that they were intended to prevent the vindication of his rights (1414).

Pennsylvania.

William Penn at long last gave his answer to the four queries which he had been deferring since May, 1702. The Council of Trade were by no means satisfied, but accepting it for the present, pressed him again, and this time successfully, for the declaration required of him, that H.M. approbation of Col. Hamilton as his Deputy Governor of Pennsylvania should not be construed as an acknowledgment of Penn's claim to the government of the Three Lower Counties—"those dear bought countys" as he calls them, signing the declaration with a groan still audible, "that 20,000*l*. will not reprize me" (3, 9, 24.ii.). By an Order of Council soon afterwards, all officials, judges, *etc*., and "all persons who in England are obliged and are willing to take an oath in any public or judicial proceeding," were required to take the oath or the affirmation allowed to Quakers (218, 219).

Penn offers to resign his Government.

The Council of Trade continued to press Penn upon the subject of illegal trade and the Admiralty Courts in Pennsylvania (256). At length he offered to surrender the Government to the Crown "upon a reasonable satisfaction . . . saving some few privileges" (677). But these "few privileges," when they were formulated (837), appeared to the Board to involve an increase of power rather than a resignation (864).

Meantime the Government of Pennsylvania was being thrown into chaos by the withdrawal of the Three Lower Counties (950), by the delay in obtaining H.M. approval of Col. Hamilton as Deputy Governor, by his death, and by the charters which Penn was said to have granted in his haste in order to embarrass his successors (16, 858). The scruples of the Friends as to taking oaths or abjurations (1150.iii.) led to frequent difficulties in the Courts. The Church party were loud in their dissatisfaction with the verdicts of unsworn juries. All these difficulties were fomented and exaggerated for party purposes, as Penn explains (1407), and served as an excuse for insisting upon the government being resumed to the Crown.

John Evans, Lieutenant Governor.

John Evans was appointed Lieutenant Governor in place of Hamilton (884), and Mr. Mompesson Judge of the Admiralty in place of Col. Quary, although his opinion that Admiralty cases ought to be tried by juries (950) was regarded at home as "entirely destructive of legal trade" (1180). The conscientious objection of the Friends to bearing arms left the Province in a parlous state of defence.

Maryland. New Governor.

Col. John Seymour was appointed to the Government of Maryland in January (160). Before he arrived, that Province was invaded by an "insolent Quaker" from Pennsylvania who dared to preach down the doctrines of the Church (1190).

Col. Quary, Surveyor General.

Col. Quary succeeded Edward Randolph as Surveyor General of the Customs. His reports cover a wide field and are full of information. Visiting Virginia, he reports that it is in a high state of prosperity, to which lists of tithables also bear witness (1176.xii.). He praises the new Capitol, the Militia, and the Governor. He is, however, a mere echo of Col. Nicholson, and his defence of the Governor foreshadows the charges which were soon to be brought against him by "some uneasy, factious and turbulent spirits" (16, 1150, *p.* 732).

Revisal of the Laws.

The Revisal of the Laws was completed (481), and the Secretary, Mr. Jennings, was sent home to give an account of them and of the Province (1176).

Refusal of the Quota.

The Burgesses turned a deaf ear to the Governor's repeated exhortations to contribute their quota towards the defence of New York (481), for reasons given in an Address to the Queen (557–559, *etc.*). The Assembly plunged into a quarrel with the Council over the holding of conferences between the two Houses (531, *etc.*).

Proposed attack on Canada.

On a visit to Lord Cornbury, Nicholson discussed a proposed invasion of Canada (*p.* 568). The French were rumoured to be settling in California (*p.* 849).

Barbados.

The new Governor did not arrive in Barbados till May. In his absence the Assembly fell to squabbling with the President and Council, a squabble which issued in wordy warfare and left but little time for attending to the business of quartering troops or fitting out vessels to protect commerce (4, 83, 209, 248, 678). Malcontents, by absenting themselves from the Assembly, paralysed public business. Sir Bevil Granville found the fortifications dilapidated and the Island very sickly (787, 831). The list of Militia (1223.iii.) shows a serious decrease.

Governor Codrington superseded.

From the Leeward Islands, Codrington had made repeated applications for furlough in past years. After his return, invalided, from the unsuccessful attempt upon Martinique, referred to above, his request was granted, and, much to his chagrin, a new Governor, Sir W. Mathew, was appointed in his stead (1160, 1421).

Bermuda.

The quarrel between the Lieutenant Governor of Bermuda and Commissioner Larkin reached a climax, the latter's very questionable conduct giving Capt. Bennett an excuse for clapping him into gaol (136). "Hurled betwixt the disconsolate walls" of the prison, Larkin wrote home his case against the Government of Bermuda (237). The Lieutenant Governor replied with a *dossier* which shows Larkin in no admirable light (1014). The report of neither party is very complimentary to the society of the Island. The Council of Trade gave Bennett a rap on the knuckles for his treatment of H.M. Commissioner, whom he was ordered to allow to go about his business (398, 628, 630).

Revenue Act.

The Assembly was no more willing than that of Jamaica or Massachusetts to pass a Revenue Act of indefinite duration (1142).

Tobago.

The project of settling Tobago was again mooted (*p.* 2).

Jamaica. Burning of Port Royal.

Col. Handasyde assumed the government of Jamaica in Dec., 1702 (22). A month later Port Royal was

The Kingston Act.

destroyed by fire (128, 161, 280, 289). There is a rumour of treachery or arson (*p.* 322). Bills were immediately rushed through to prevent the re-settling of that ill-starred town, and to repeat the former endeavour to make Kingston on the mainland the Capital (228). But, it was urged with much heat before the Council of Trade by those interested, these Acts were passed improperly and Kingston was utterly unsuitable as the seat of trade and Government. Great mortality amongst the settlers there lent force to the opposition (1326). Every sixth man was reported to have died. Whilst the repeal of the Bill was being clamoured for at home (1179), the Assembly practically recanted by bringing in an Act to make Port Royal a port of entry under the name of Port Charles (1325).

Act for quartering Soldiers.

When the Assembly met in January, the Lieutenant Governor recommended to their consideration the passing of a Revenue Act and an Act for quartering H.M. soldiers (173). Parties were divided into English new-comers and Creolians (*p.* 658), and whilst the House was refusing to provide adequate quarters for the soldiers or to make allowances to their officers for quarters and subsistence (439, 469, 657), the unhappy men who had been sent to defend them were left to perish in the open. This state of affairs led the Council of Trade to suggest the building of barracks *etc.* and to make other proposals for their preservation (1149). When, after long delay, a new Act was passed, the allowance made to officers was shown, by the test of prices current, to be utterly inadequate (1100).

Revenue Act.

The Instructions prepared for Lord Peterborough were now addressed to the Lieutenant Governor (367); and Col. Handasyde, in spite of the "perverse tempers and disunion of the people," had the satisfaction of doing what none of his predecessors had been able to achieve. The Revenue Act was not indeed made perpetual, but was extended for 21 years—an alternative which by his private Instructions Handasyde had been authorised to accept (1227).

Factions in the Assembly.

Party feeling ran high in the Assembly. Mr. Totterdell (*Calendar*, 1701) had returned, and made his influence felt not only in constant squabbles with the Council, but also in stormy scenes in the House over the Additional Duty Bill. Several Members, who left the House under protest, were taken into custody and expelled (998, *p.* 652). The Assembly, thus reduced, was left without a quorum to pass any Bills (1048), and refused to admit the same Members when they were re-elected.

Expulsion of Members.

Pressing of Seamen.

Taking the occasion of the repeal of an Act of the Island for encouraging privateers and preventing pressing, the Council of Trade recommended the expression of H.M. disapproval of these disorders, which was done (1179, 1253, 1411).

The grievance of the Island as to the pressing of seamen was investigated by the Privy Council (1254, 1307, 1389.ii.).

Taxation of Jews.

The Home Government also interfered on behalf of the Jews who had been subjected to unfair taxation (446).

Defence.

In spite of alarmist rumours of a joint French and Spanish invasion, Handasyde steadily asserted the ability of the Island to defend itself. The Colonists, whilst professing alarm, left the guns and arms sent over by the Crown untouched and uncared for, to deteriorate in the open (1347.i.).

Newfoundland.

From those concerned in Newfoundland came several petitions for help against the French (156, 1332, 1338, 1381, *etc.*). But the officer commanding at St. Johns discouraged the idea of fortifying Trinity Harbour or Conception Bay (783, 1342). The fishery and trade suffered very severely from the war (1332). One result was that a small body of settlers withdrew to an island in Trinity Bay and there established themselves as a Community with a code of rules for their guidance (1, 1339, 1342). Owing to a dispute between the Ordnance and Navy Boards the boom for St. John's Harbour, ordered last year, remained unfixed (607). But after a brush with the Lord Treasurer (713), the Ordnance Office at last despatched an officer to complete the work (782). Complaints were once more heard of the evil effects of trading by military officers (1381). Reference has already been made to the abortive attempt by the English fleet upon Placentia (*p.* 1). An account of the Fishery is given (379.i.).

CECIL HEADLAM.

June, 1913.

COLONIAL PAPERS.

1702-3.

1702. [Dec. 1.] **1.** Petition of the Inhabitants of Carbonear in the Bay of Conception in Newfoundland, to the Queen. Being in daily fear of the neighbouring French, and those of Canada being near unto us, who in the late war did utterly destroy our habitations and effects by fire, notwithstanding we betook ourselves to a small island with what little forces we had, and maintained the same against their vigorous assaults; we have contributed towards buying some guns and ammunition to secure us from our enemies, and one of the Islands in this Bay, which we will endeavour, under the help of God, to maintaine, tho' to our great griefs wee are forced to leave our habitations. Pray H.M. to take this and the preservation of the harbour into consideration. *Signed*, Colin Campbell, Tho. Edwards, William Pynne, George Davies, Robert Pynne, Francis Shepeard, Richard Gattrell, Henry Goole, Jonathan Webber, Isaac Schoolen. *Subscribed*, H.M. is pleased to refer this Petition to the Lords Commissioners of Trade and Plantations to consider what may be fitly done for the preservation of the Harbour etc. *Signed*, C. Hedges. *The whole endorsed*, Recd. Read Feb. 17, 170$\frac{2}{3}$. 1 *p.* [*C.O.* 194, 2. *No.* 87; *and* 195, 3. *pp.* 158, 159.]

Dec. 1. Whitehall. **2.** William Popple to Josias Burchet. Forwarding Lt.-Governor Beckford's views about the health of the fleet etc. for the information of the Admiralty. [*See* No. 3.] [*C.O.* 138, 10. *pp.* 380, 381.]

Dec. 1. Whitehall. **3.** Journal of Council of Trade and Plantations. Letter to the Lord Treasurer signed and sent.

Letters from Lt.-Governor Beckford July 20 and 28, and Aug. 25 and 26 read. Minutes of Council of Jamaica transmitted were laid before the Board. Upon Col. Beckford's proposal that the seamen in Admiral Bembow's fleet should not be changed, ordered that it be signified to Mr. Burchet, to be by him communicated to H.R.H.'s Council for the Admiralty.

Directions given for communicating other paragraphs to the Lord Peterborough and to the Earl of Nottingham.

The Secretary acquainted the Board that Mr. Penn had lately left with him the names of Mr. Paul Doemenique, Adolf Philips, and Joseph Ormstone as persons proposed by him to be security for Col. Hamilton's observing the Acts of Trade etc.

1702.

Mr. Penn's answer to the four Queries sent him in May and June last, having been brought hither the last night, the same was laid before the Board and read. Whereupon ordered, that the Secretary do acquaint Mr. Penn that tho' the Board do not think his answer altogether satisfactory, yet in order to the dispatch of this affair they are willing at present to acquiesce with it. And further to mind him that by H.M. Order in Council of Nov. 11 he is required to declare under his hand that H.M. allowance of Col. Hamilton to be his Deputy Governor in Pennsylvania shall not be construed in any manner to diminish or set aside H.M. right and title to the three Lower Counties upon Delaware River; the performance whereof they expect and will then forthwith order a letter to be writ for the taking of security for Col. Hamilton, as has been lately done in other the like cases.

Dec. 2. Order of Council, Aug. 24, read.

Letter to Lord Nottingham signed.

The Secretary acquainting the Board that Dr. Stringer and others who solicite the settling of Tobago have desired copies of the reports formerly made upon that subject, ordered that the same be given them.

Dec. 3. [*Bishop of London attending.*] Directions given for preparing a letter from the Board to the Earl of Nottingham relating to the clause in the Earl of Peterborough's Instructions, which mentions the time given to the Assembly of Jamaica for settling H.M. Revenue in that Island.

Letters and papers, received from the Lord Cornbury Nov. 30, were laid before the Board. Two of the letters read.

Order of Council, Nov. 26, read. Ordered that a letter be prepared to Sir Bevil Granville to be communicated to the Council of that Island in pursuance thereof.

Petition from Gabriel Thomas read.

Representation to H.M. upon a present to Col. Dudley signed.

The Lord Bishop of London desired the Board when the Acts of New York and of the Leeward Islands shall come under consideration that they would be mindful of his objections against the particular Acts mentioned in the Minutes of June 15, as likewise against the Act relating to clandestine marriages. [*C.O.* 391, 15. *pp.* 295–308; *and* 391, 96. *Nos.* 193–195.]

Dec. 1. **4.** Minutes of Council in Assembly of Barbados. Alexander Walker was appointed Chief Judge of the Court of Common Pleas for the precincts of St. Peters, and Lt.-Col. Bartholomew Rees Chief Judge of the precincts of St. James.

The Assembly attending, the President addressed them:—We live now under a most happy constitution, in which H.M. Prerogative is no more than is necessary for the preservation of the liberties and properties of her subjects and seems to be effected by Her onely to this end, so that I think we want nothing but our own concurrence to make us happy, and it is certainly the interest as well as the duty of each part of the Government

1702.

and every member of it to express their gratitude to the Queen and their zeal for the publick good by an unanimous, hearty, and industrious prosecution of whatever may tend to H.M. honour and fall in with her gracious designs for the good and welfare of her subjects *etc.* In order to which I have frequently (by the advice of the Council) called you together and often attended upon your own appointments, but have been very often disappointed either by your not making an house at all, or by your sudden and unexpected adjournments. We should be very willing to let everything pass without the least animadversion, which is only personal, but when the contempts that are thrown upon us, H.M. President and Council, terminate at last in the dishonour of the Queen and tend to the disparagement of her Government and the demenution of her authority, to be silent would be a fault, and I therefore must desire you to consider the nature of your late transactions and see if they do not look this way. First, in relation to your proceedings in reference to the late Act for fitting out ships of war, whether they were agreable to the obedience and duty you owe to H.M., and in consequence of that to that deference and respect which myself and this Board might reasonably have expected from you. You were pleased to bring us in a long Bill very late, which notwithstanding we did peruse, being always willing to give a despatch to the necessary publick affaires, and finding there was a necessity of making some amendments, we told you we would offer them to you with all expedition, upon which Mr. Speaker informed us, as from your whole House, that you were resolved not to admit of any alteration of one title of the Bill, and if this Board would not pass it, as it was brought up, you would immediately returne and dismiss the vessels we were in treaty about for H.M. and the country's service, and all the bad consequences should lie at our door, when at the same time we were very sensible (and cannot believe you could be ignorant, yourselves afterwards consenting to the amendments), that the Bill could not be passed by us as it was presented by you, without very severe and just reflections both upon our loyalty and understandings, which we take to be a very inperious treatment, both unbecoming you to offer and us to receive, and implies you are of opinion wee sit here as your Ministers, not your superiors in the Government, but you expect to prescribe to us, not to advise with us, and require our obedience rather than desire our assent. And when Mr. Speaker was informed, in terms as mild as his behaviour would well admit of, that those proceedings seemed to imply an intention to surprize and impose upon us, he flew out into indecencys of expression, aggrandizing the Assembly and degrading H.M. President and Council, telling us that you were the great Council of this Island, and then by consequence we must be the lesser; that you represented all the people of this Island, but we represented nobody but ourselves. But, however, Mr. Speaker, we know very well whom we represent, and though our principles as well as our interests engage us to be as tender of the people's liberties as you yourselves ought to be,

1702.

yet we think ourselves obliged in duty and conscience (and so are you too) to assert H.M. honour, just power and right of Government, which your late proceedings seem not to be very consistent with, for your magnifying yourselves above H.M. Governor and Council looks like a subversion of the Government or an invasion of the order of it, and strikes at that regular subordination in the several parts of the Government which unites them, and is the strength as well as the beauty of our Constitution. And to this we may add your great presumption and invasion of H.M. right and prerogative in taking up, manning and equipping several vessels of war and appointing officers to command them, by a Committee of our [*sic*] own House without even so much as acquainting me with it, and exclusive to all the Members of the Council, a presumption not to be paralleled under a lawful Government since the first settlement of this Island.

I come now to represent to you wherein I apprehend you have fallen short in your zeal for the welfare of the people whom you represent, and that in general is either your failing the appointment of your meetings, [*or*], when you are met, your want of patience to stay so long together till the necessary affairs of the Island be dispatched. *Refers to recent instances of their sudden adjournments* as shewing "the little disposition you have for the service of your country, and not only a great disrespect and contempt of myself and this Board, but to be very inconsistent with that duty and obedience you owe to H.M." etc.

Then the President desired them to take some effectual care to raise money for paying the men that were taken up in the country's service, at their return from their cruise, as was promised them, that the credit of the country might not suffer; also to provide for the reception of the Governor, who is daily expected, (and likewise that the Earl of Peterborough, Governor of Jamaica, who is expected to touch at this Island) might be entertained as is fit for a person of that quality. Then he delivered to them the letters that came by the last pacquet, that they might take care and provide what is required by them, except that letter relating to a design on the French Islands with order to keep the same secret, this Board being of opinion that it might be an occasion of making that design too publick, and therefore the President was desired to keep it private till the arrival of the Fleet. [*C.O.* 31, 6. *pp.* 310–320.]

Dec. 1. **5.** Journal of Assembly of Barbados. The House met by special summons from the President. *See preceding abstract.* Letters from the Earl of Nottingham (May 21 and June 5 and Sept. 3) laid before the Assembly. Also one from Mr. Dummer, Portsmouth, Oct. 12, 1702;—

"H.M. having been pleased to countenance my proposal for a correspondence to the Island Plantations *etc.* you will apprehend by the enclosed print that there are four [*vessels*], which are designed to succeed each other monthly, that their motions are determined to be very quick, because thereon depends the

1702.

chief fruit that is to be reaped. *Recommends to their care* the Captain 'of this the first vessel that begins the intended correspondence.' "

Committee appointed to draw an answer to the charge of the President and Council made when the Assembly last waited on them.

Resolved, that a levy of 3*s*. 1½*d*. on negroes per head be laid on all owners or possessors of slaves; that all overseers who have 80*l*. per annum be assessed; that the whole Nation of the Jews pay 450*l*. sterl.; that the inhabitants of St. Michael's Town pay 940*l*. sterl. for their houses, trade and personal estates; that the numbers of negroes be given in before the Representatives in 20 days after the publication of this Act. and the List be given into the Treasurer in 5 days afterwards; that every person who shall advance money for the uses of the Act in 50 days after publication, shall be allowed after the rate of 12 per cent. per annum, and all who make prompt payments of their levys within the time aforesaid shall be allowed 12 per cent. Resolved, that the money raised by such Acts be for the payment of the arms and ammunition sent for by Col. Peers and Wm. Heysham at the request of the Assembly; for the expenses of fitting out vessels of war lately employed in the country's service; for payment of the Agents in England their salaries and arrears; for payment of debts due from the publick upon the importation of servants, and for discharging any other of the publicque debts.

Petition of Charles Thomas, for payment for the brigantine *Madeira*, lost in the country's service, granted.

Petition of the mariners of the *Seaflower* sloop of war, concerning the maintenance of Spanish prisoners, referred to a Committee.

Wm. Heysham was granted a drawback on 16 pipes of Madeira wine turned sour.

The House adjourned for three weeks. [*C.O.* 31, 7. *pp.* 2–13.]

Dec. 2. Whitehall. **6.** Council of Trade and Plantations to the Earl of Nottingham. Having lately received a letter from Col. Beckford signifying that the Dutch from Curaçoa drive a constant trade with the Spaniards, as if there were no war; and that they supply the Spaniards as well with ammunition as provisions, we propose that directions may be given to H.M. Minister at the Hague to make application to the States General, that their subjects be strictly forbid to send any ammunition to the Spaniards during this time of war; and that H.M. would be pleased to direct letters to be writ to the respective Governors of all her Plantations in America that they do not send ammunition of any kind to any place whatsoever not belonging to her Majesty. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 *p*. [*C.O.* 5, 3. *No.* 6; *and* 138, 10. *p*. 392.]

[Dec. 3.] **7.** Gabriel Thomas to the Council of Trade and Plantations. William Penn and his Stewards did oppress the inhabitants of

1702.

the territories of Pennsylvania by taking their cattle for the quit-rents twice the value of what they owed, without giving them any satisfaction or manifestation of their power so to do, neither would Penn let them see his deeds, nor let them know where the line that divided between the said territories, Mariland and his own Province, was, with many other intolerable oppressions, which occasioned them to forsake the territories that belongs to the Crown and go to Penn's own Province and West New Jersey, where no tobacco is made, which is to the Crown's loss at least 20,000*l.* per annum, as petitioner and Col. Quary computed, and appears by petitioner's former petitions. Thereupon petitioner was summoned by Col. Quary to appear on evidence for the Crown against Penn, which has reduced him to a very low, poor, and distressed condition, not only like to loose his land and wages, but also threatened to be thrown into gaol and continue there during his life, unless prevented by your Lordships. Penn by his answer doth not deny anything that Petitioner laid to his charge concerning the Crown's damage. Therefore prays your Lordships to relieve your poor petitioner and free the Planters from such oppressions by some ways as your Lordships shall see most meet. *Endorsed*, Recd. Read Dec. 3, 1702. $\frac{3}{4}$ *p.* [*C.O.* 5, 1262. *No.* 7.]

Dec. 3. Whitehall. **8**. Council of Trade and Plantations to the Queen. *Recommend* that Governor Dudley may have leave to receive the present of 250*l.* voted to him by the Assembly of New Hampshire. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 910. *pp.* 302, 303.]

Dec. 4. [4 Xber.] **9**. William Penn to [? *the Council of Trade and Plantations*]. Honble. Friends, I have sign'd a paper that I hope will please you, and can signe no others without signeing away those dear bought countys that 20,000*l.* will not reprize me, as well in soyl as Govert. I begg your favour in my dispatch, and that I may have three coppys sign'd of the Queen's approbation, to keep one and send two by several ways of conveyance. I am, without leggs, but with great respect, your faithfull Friend to serve you to my power. *Signed*, Wm. Penn. *Holograph.* 2 *pp.* *Enclosed*,

9. i. Declaration of William Penn. 4th Xber, 1702. I do hereby declare and promise I will take no advantage of the Queen's Royall approbation of my Deputy Governour, Col. Andrew Hamilton, for one year, to elude or diminish her pretensions or claime of Right to the Government of the Lower Counties upon Delaware, now under the administration of the said Hamilton in conjunction with the Province of Pennsylvania. *Signed*, Wm. Penn. *Endorsed*, Recd. Read Dec. 8, 1702. *Copy.* 1 *p.* [*C.O.* 5, 1262. *Nos.* 8, 8 i.]

Dec. 4. **10**. William Atwood to the Council of Trade and Plantations. Notwithstanding the late Act of Parliament and H.M. Proclamation

1702.

for continuing persons in their offices, Lord Cornbury within three months of H.M. decease, suspended William Atwood from all his offices in New York upon articles exhibited against him by men who unreasonably thought themselves agrieved by his judgments in the Supreme Court or Court of Admiralty, a copy of which Articles he often promised Atwood, who was ready to justify himself upon every one of them, tho' they were chiefly of matters not within his Lordship's cognizance, yet he first pronounced a suspension, and then delivered a copy of the Articles, and after that directed examinations to support them to be taken before Atwood's enemies. To colour which proceedings he has sent your Lordships' papers filled with all that could be suggested by ill men who have justly incurred forfeitures. *Prays for copies thereof. Signed,* Atwood. *Endorsed,* Recd. Read Dec. 3 [*sic*], 1702. *Holograph.* 2½ *pp.* [*C.O.* 5, 1047. *No.* 79.]

Dec. 4. Whitehall. **11.** Council of Trade and Plantations to the Earl of Nottingham. In a clause of the Instructions for H.M. Governor of Jamaica relating to the settling of the public Revenue of that Island, there being time allowed to the Assembly until March for passing and offering to H.M. such Act for settling the Revenue as might be fit to receive H.M. Royal approbation, but the Governor not being yet dispatched, we look upon that time as too short, and offer our opinion to your Lordship that in the Instructions now to be given to the Earl of Peterborough, the time may be prolonged until Oct. next. *Signed,* Dartmouth, Ph. Meadows, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *p.* 394.]

Dec. 4. **12.** Journal of Council of Trade and Plantations. Letter to the Earl of Nottingham signed.

Gabriel Thomas pressing for some report upon his differences with Mr. Penn, which their Lordships did not find proper for them to make, ordered that copies be taken of any of his papers that he desires to have returned to him, and the original returned to him.

Memorial from Mr. Atwood read.

Letter from Lord Cornbury, Sept. 27, with the Address of the Inhabitants of New York to his late Majesty and an Address to the House of Commons, both dated Dec. 30, 1701, and referred to in the said letter as being the original Addresses for which Col. Bayard and others were condemned at New York, were read. [*C.O.* 391, 15. *pp.* 308, 309 ; *and* 391, 96. *No.* 196.]

Dec. 4. Boston. **13.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Board that he intended to set out the next week on a journey to Piscataqua, and that he would notify the Indians of his being there, and get opportunity of seeing and speaking with some of the principal of them, to hold them still in the English interests. And proposed that some of the Council would give him their company.

1702.

20*l.* paid to James Robe for carrying letters to Nova Scotia last spring.

Warrants issued for various salaries.

74*l.* 13*s.* paid to Mr. Treasurer Taylor, in addition to the 25*l.* he hath already received, in full of his accompt of charges and disbursements expended in endeavouring to find the line of division between this Province and the Colony of Connecticot and for his service in the preparation of Instruments.

6*l.* paid to John Phillips, Penn Townsend, Nathaniel Byfield and John Nelson for their service in managing a Treaty with the Eastern Indians, 1701.

4*l.*, over and above what was allowed for their expenses, paid to John Hathorne, Daniel Peirce, James Converse, James Coffin, Capt. Edwd. Brattle and John White, the Committee that waited on H.E. to Pemaquid.

20*l.* paid to Capt. Henry Crofts, H.M.S. *Gosport,* for his entertainment of H.E. and the gentlemen that waited on him in his late voyage to Pemaquid, and 6*l.* to John Watson, Purser of H.M.S. *Gosport,* for his extraordinary expenses in wood, candle etc.

1*l.* 14*s.* paid to Alexander Bogle for 17 days labour in building a fortification at Worcester by order of authority in the time of Sir Edmund Andros.

40*s.* paid to Henry Flint, the first Fellow of the College, for his attendance as Chaplain to H.E., Council and Representatives during the Session of General Assembly at Cambridge.

72*l.* paid to the Rev. Samuel Willard, Vice-President of Harvard College, for his service in the said office, and more than ordinary expence in attending the same, from Sept. 6, 1701—Nov. 6, 1702.

35*l.* each paid to Thomas Brattle and Capt. Timothy Clarke of the Committee for the Fortifications making on Castle Island, for their service.

4*l.* 3*s.* 4*d.* paid to Nicholas Boone, of Boston, for 100 books of the last *Election Sermon* of the Rev. Mr. Increase Mather, which he printed according to order.

4*l.* 10*s.* paid to Joseph Beane, Interpreter for the Indians at H.M. Fort at Saco, to complete the payment for his cure of a wound received in the service. [*C.O.* 5, 789. *pp.* 472–474.]

Dec. 5. **14.** Mr. Wharton to Mr. Popple. *Enclosing* draft of a Patent to be laid before the Council of Trade and Plantations. *Signed,* Wm. Wharton. *Endorsed,* Recd. 6th, Read Dec. 16, 1702. 1 *p.* *Annexed,*

14. i. Note [? *by William Popple*] that the Draught of the Charter referred to was returned to Mr. Wharton, Jan. 8, 170$\frac{2}{3}$, with the addition of certain clauses etc. 1$\frac{1}{2}$ *pp.*

14. ii. Draft of a Charter for importing Naval Stores, referred to in preceding. *With amendments.* 17 *large pp.* [*C.O.* 5, 862. *Nos.* 137, 137 i, ii ; *and* (*without enclosures*) 5, 910. *p.* 303.]

Dec. 5. **15.** J. Moore to [? *the Council of Trade and Plantations*].
Philadelphia. I have sent a copy of one of Mr. Penn's Charters to this City

1702.

(all I can come at), tho' two others were passed at his departure, wherein he has been very liberal in point of Government. *Refers to* the "hardships for near five years undergone in the trusts committed to mee without either salary or reward." *Signed,* J. Moore. *Endorsed,* Recd. Read Feb. 4, 1702 (1703). *Holograph.* 1 *p.* *Enclosed,*

15. i. Copy of the Charter of the City of Philadelphia, granted by William Penn, Philadelphia, Oct. 25, 1701. I do by these presents erect the Town and Burrough of Philadelphia into a City, which shall extend the limits and bounds as it is laid out between Dellaware and Skoolkill, and I doe for me, my heirs and assigns, grant and ordain that the streets of the said City shall for ever continue as they are now laid out and regulated, and that the ends of each street extending into the River Delaware shall bee and continue free for the use and service of the said City and the Inhabitants thereof, who may improve the same for the best advantage of the City, and build wharfs so farr out into the River there as the Mayor, Aldermen, and Common Council shall see meet. And I do nominate Edward Shippen to be the present Mayor and Thomas Story to be present Recorder, and Thomas Farmar to be present Sheriffe, and Robert Asheton to be present Town Clerk and Clerk of the Peace and Clerk of the Court or Courts, and Joshua Carpenter, Griffith Jones, Anthony Morris, Joseph Wilcox, Nathan Stanbury, Charles Read, Thomas Masters and William Carter, citizens of the said City, to be the present Aldermen; and John Parsons, William Hudson, William Lee, Nehemiah Allen, Thomas Paschall, John Budd, jr., Edward Smoutt, Samuel Bulkeley, James Atkinson, Penticost Teauge, Francis Cooke and Henry Baddcock to be the present 12 Common Councillmen. And I doe grant and declare that the said Mayor, Recorder, Aldermen, and Common Councillmen and their successors for ever shall be one body corporate and politick in deed and by the name of Mayor and Commonalty of Philadelphia, able and capable in Law to have, get, receive and possess lands, tenements, rents *etc. etc.* and to give, grant, let, set them *etc.*: able and capable in Law to sue or be sued *etc.* in all manner of actions *etc.*; to use one Common Seal for the sealing of all the businesses touching the said Corporation. And I doe for mee, my heirs and successors grant full power and authority unto the Mayor, Recorder, and Common Council, or any five or more of the Aldermen and nine or more of the Common Councilmen, the Mayor and Recorder for the time being or either of them being present on the first third day of the week in the eighth month yearly for ever hereafter publickly to meet at a convenient roome or place within the said City to be by

1702.

them appointed, and then and there nominate, elect and chuse one of the Aldermen to be the Mayor for that ensuing year, and also to add to the number of Aldermen and Common Councillmen, such and so many of those that by vertue of these presents shall be admitted freemen of the said City from time to time as they shall see occasion ; and that such person who shall be so elected Mayor shall within three days next after such election be presented before the Governor of this Province or his Deputy and shall subscribe the Declarations and profession of his Christian belief according to the late Act of Parliament, 1st William III, and then and there the Mayor so presented shall make his solemn affirmation and engagement for the due execution of his office ; and the Recorder, Sheriffe, Aldermen, and Common Councillmen and all other officers of the City before they shall be admitted to execute their respective offices, shall make and subscribe the said Declarations and profession before the Mayor, and at the same time shall be attested for the due execution of their offices respectively. The Mayor, Recorder, and Aldermen for the time being shall be Justices of the Peace and Justices of Oyer and Terminer, and they or any four of them, whereof the Mayor and Recorder shall be two, shall have power to hear and enquire into all manner of treasons, murder, manslaughter and all manner of felonies and other crimes and offences, capital and criminal whatsoever, according to the Laws of this Province and of the Kingdom of England, with power also to hear and determine all petty larcenys, routs, riots, unlawful assemblies, and to try and punish all persons that shall be convicted for drunkenness, swearing, scolding, breaking the peace or such-like offences, which are by the Laws of this Province to be punished by fine, imprisonment or whipping, with power also to award process against rioters and breakers of the peace, and to bind them and all other offenders and persons of evil fame to the peace or good behaviour as any Justice or Justices of the Peace can do, without being accountable to me or my heirs for any fines or amercements to be imposed for the said offences. And do hereby impower them, or any four of them, whereof the Mayor and Recorder shall be two, with the City Sheriffe and Town Clerk to hold and keep a Court of Record quarterly, or oftener, for hearing and determining of the pleas and matters aforesaid, and upon their own view, or after a legal procedure in some of those Courts, to cause all nuisances and encroachments in the streets of the City to be removed, and punish the parties concerned, as the Law and usage shall require. They shall be Justices of the Peace also of the County Courts. They may, when they see occasion, erect a gaol and Court-house within the City. The Mayor and Recorder shall have power to take recognizance of debts. The Mayor from time to time to appoint the Clerk of the Market, who shall have assize of bread, wine, beer, wood and other things. And I will that the Coroners to be chosen by the County of Philadelphia shall be the Coroner of the City and liberties thereof, but that the Freemen and Inhabitants of the City, as often as occasion be, have equal liberty with the Inhabitants of the County to recommend or chuse persons to serve in the respective capacities of Coroner and Sheriffs for the County of Philadelphia, who shall reside within the said City, and that the Sheriffe of the City and County shall be the water-bayliffe, who shall and may execute and perform all things belonging to the office [of] water-bayliffe upon Dallaware River and all other navigable Rivers and Creeks within this Province. In case the Mayor misbehave himself or misgovern, I hereby impower the Recorder, Aldermen, and Common Councillmen, or five of the Aldermen and nine of the Council to remove him from his office, and in case of the death of the Mayor, then another fit person shall within four days next after such death or removal be chosen as above directed. And least there should be a failure of Justice or Government in such interval, the eldest Alderman shall take upon him the office of Mayor till another be chosen; and in case of his disability, then the next in seniority. In case the Recorder or any of the Aldermen or Councillmen, Constables, or Clerk of the Market shall misbehave, they shall similiarly be removed and others chosen in their stead. In case a citizen be chosen Mayor, Alderman, or Common Councillman and refuse to serve, the Mayor, Recorder, Aldermen, and Common Councillmen, or major part of them, may impose a fine not exceeding 40*l.* for Mayors, 35*l.* for Aldermen, and 20*l.* for Common Councillmen, and chuse others instead. The Mayor, Recorder and one of the Aldermen may from time to time summon a Common Council. No assembly or meeting of the citizens shall be deemed a Common Council unless the Mayor and Recorder and at least three Aldermen and nine Common Councillmen be present. The Mayor, Recorder. Aldermen, and Common Council, at their Common Council, shall have power to admit such and so many Freemen into their Corporation as they shall think fit; and they may make such and so many good reasonable Laws, Ordinances and Constitutions (not repugnant to the Laws of England and this Government) as to the greatest part of them at such Common Councils assembled shall seem necessary and convenient, the said Laws etc. to be put in execution by the proper officers of the City;

1702.

and at their pleasure to revoke, alter and make anew as occasion shall require, and also impose such mulcts and amercements upon the breakers of such Laws *etc.* as to them shall be thought reasonable ; all such fines etc. to be levied to the use of the Corporation without rendering any account thereof to me, my heirs and successors, with power to the Common Council to mitigate or release them, upon the submission of the parties, provided always that no person hereafter shall have right of electing or being elected by virtue of these presents to any office or place, judicial or ministerial, nor shall be admitted freemen of the City unless they be free denizens of this Province and are of the age of 21 years or upwards, and are inhabitants of the City, and have an estate of inheritance or freehold therein or are worth 50*l*. in money or other stock, and have been resident in the City for the space of two years, or shall purchase their freedom of the Mayor and Commonalty. The Mayor and Commonalty may hold two market-days a week, on the 4th and 7th day of the week, and two fairs a year, beginning on the 16th of the 3rd month called May, in and about the market-place, and the 16th of the 9th month, for three days each. And I doe for me, my heirs and assigns, by vertue of the King's Letters Patents, constitute the City of Philadelphia to be a port or harbour for discharge and unlading of goods upon such keys and wharfs as by the Mayor, Aldermen, and Common Council shall be thought most expedient. The said port shall be called the Port of Philadelphia, and shall extend into all such creeks, rivers and landing-places within this Province, and shall have so many wharfs, keys, landing-places and members belonging thereto for landing and shipping of goods as the Mayor, Aldermen, and Common Council for the time being with the approbation of the chief officer or officers of the King's Customs shall from time to time think fit to appoint. And I do also ordain that the landing-places now and heretofore used at the Penny Pott House and Blew Anchor (saving to all persons their just and legal rights and property in the land so to be left open, as also the swamp between Budd's Buildings and the Society Hill) shall be left open and common for the use of and service of the said City and all others with libertie to digg docks and make harbours for ships and vessels in all or any part of the said swamp. And I doe hereby grant that all the vacant land within the bounds and limits of the said City, shall remain open as a free common of pasture for the use of the inhabitants of the City until the same shall be gradually taken in order to build or improve thereon and not otherwise, provided always that nothing herein contained shall debar me or my heirs in time

1702.

to come from fencing in all the vacant land that lies between the Center meeting-house and the Skoolkill, which I intend shall be divided from the land by me allotted for Delaware side by a straight line along the Broad Street from Edward Shippens land throughout the centre Square to Daniell Peggs Land, nor shall the fencing and taking in of any of the streets happening to be within that enclosure on Skoolkill be deemed or adjudged to be an encroachment, where it shall not interfere or stop any of the streets or passage leading to any of the houses built or to be built on that side, anything herein contained to the contrary notwithstanding. And I doe grant that this present Charter shall in all Courts of Law and Equity be construed and taken most favourably and beneficially for the said Corporation. *Signed*, Wm. Penn, Philadelphia. Oct. 25, 1701. *Copy.* 7¼ *pp.* [*C.O.* 5, 1262. *Nos.* 9, 9.i; *and* (*without enclosure*) 5, 1290. *pp.* 297, 298.]

Dec. 7. **16.** Robert Quary to the Council of Trade and Plantations.
Pennsylvania. It was the middle of October before I arrived in Virginia. From thence did immediately send away to Carolina in order to H.M. commands and service. The time I spent in Virginia gave me the opportunity to inform myself very nicely into the affairs of that Government, wch. was never in a more happy state in all respects then now; those few factious persons that did endeavour to perplex the Government, have lately by the Governor's prudence been so exposed and layd open to the Assembly and whole Country, that they are become the contempt of all good people, and the Governor's conduct and justice so highly approved of, that the whole country doth unanimously and entirely joyn in all things tending to H.M. service, the defence and good of the Province. All which is matter of fact, wch. will appear by the several Addresses *etc.* Governor Nicholson spent out of his own pocket more then 500*l.* in a most splendid Proclamation of H.M.; he hath improved the Revenue to a very great degree; he found it very much in debt, which he hath cleared; he hath almost finished and paid all the Publick Buildings, and after all there is now more than ten thousand pounds in Bank, the public taxes never easier or lighter, the people never better sattisfyed and contented then now. There is great want of arms and ammunition for the defence of the country; the Militia put into the best order of defence they are capable of, tho' I cannot depart from my former opinion that the best security and defence of that and the neighbouring Province is some Naval force.

By letters from Carolina of Sept. 26, I have certain advice that the Government had all things in a readiness and prepared to attack St. Augustine. The methods of their proceedings is thus: they have prest ten vessels, and have four hundred men to man them, which are ordered under a Irish Commander to go to sea and land all the men at the most convenient place

1702.

neer the Fort. At the same time there is 100 more very good men that goe within land at the head of a great number of Indians, who are to fall on the town and fort by land as near as possible at the same time, the methods being agreed on by sign. I am very well satisfyed the design being thus laid cannot miscarry, the consequence of which will be of very great service to H.M., by removing the ill neighbourhoods of the French and Spaniards, and securing the South frontiers of the Main. I do expect to receive by the first the particular success of the action, which I will dispatch to your Lordships and do hope that the present Governor of that Province will hasten the welcome news of their victory to your Lordships.

My next step is Roanoak, which is the north part of Carolina ; the people are very uneasy and discontented, and do labour under great difficulty in securing the peace of the country. The Proprietors have taken no notice of them for above seaven years past ; there is no settled Militia, nor any foundation of Government. The country produces great quantities of provisions and tobacco. All their market for their tobacco is to New England, from whence 'tis carried to Newfoundland and other wrong marketts, to the great ruin of H.M. Revenue and of trade, wch. mischief cannot be remedied until that part of the Propriety be joined to H.M. Province of Virginia, then all the tobacco will go home directly to England, wch. now by a most unreasonable law made in Virginia they are hindered to ship off from thence.

The Government of Maryland hath for some years very much encreased in the number of people, in their trade, in the value of their land and improvements, H.M. Revenue much augmented, my Lord Baltemore's rents very much advanced, and the people very easy and satisfied, and all this is on all hands concluded to proceed from no other course then that Province's being under the immediate Government and protection of H.M.

I am now come to the Three Lower Counties, where, in obedience to your Lordships' commands, I did at my arrival at Newcastle shew them your Lordships' Instructions to me concerning them, then wch. nothing could have proved so great a satisfaction, especially considering that it came in a juncture of time when they and the Upper Counties were all in confusions. The Lt.-Gov. Hambleton [*Hamilton*] was pleased to summon them to meet the members of Mr. Penn's Province in Assembly, not according to the former method, for now the Upper Counties are chosen and meet by vertue of Mr. Penn's late Grand Charter. But the writ for the Lower Counties hath no foundation for their being summoned as an Assembly. However, they appeared, contrary to the expectation of the Lieut.-Governor and the Quakers, and have managed themselves so prudently as to lay the ground of the separation and confusion that must follow at Mr. Hambleton and the Quakers' own doors, as will appear from enclosed Addresses *etc.* The whole management of this afaire was only a trick [*of*] Mr. Penn's to find out som culerable pretence of laying down [? *the*] Government of the Three Lower Counties, wch. he had for above 20 years [? *usur*]ped without any Commission, power, or authority derived from the [? *Crown*] of England, and in all this time had exercised all the regal power of Government, as the erecting Courts *etc.* and did actually execute several of H.M. subjects without either Judges, jury or evidences being sworn or quallified according to Law. He called Assemblys, levied money, and did all other Acts of Government, but now finding that your Lordships are pleased to enquire into these affairs, he is willing to drop the Government of these Counties, without noyse, which he thinks he hath now effected. It is very necessary that H.M. Letter may be sent to one of the gentlemen of the Lower Counties, impowering him to preserve the peace of the Province, until such time as H.M. hath otherwise disposed of that Government. I cannot recommend a better man than Mr. Jasper Yeats, who is a gentleman of the best estate in that country, a man of sense and good reputation. I have tried all ways to purchase at any rate attested copies of several Charters, which he past a very few days before he left this country, but cannot prevail. They govern the country by these Charters, and yet are afraid or ashamed to have them seen. Mr. Penn, as it seems, now having greater assurance of continuing his Government then he had when he granted these extravagant Charters, which destroys the very being of Governmen, is now endeavouring by his Agents to recall or overthrow his late Charters, but the topping Quakers of this Corporation are resolved to hold their unbounded power as fast as they can, so that all things is in a very great confusion. They flatter themselves that, let what Government will come, they are above it all, having the choice of all their magistrates and officers, which cannot be removed by any power or Assembly whatsoever, they have not only the Government of the City but of the whole Province to that degree that the country is very uneasy; what the consequences will be, time will shew. I thought it had been Mr. Penn's duty to have laid those Charters before your honble. Board. The members of the Lower Counties in their Address set forth that they cannot get copies of them. At my arrival here I found that Mr. Penn had filled the heads of all his friends with strange notions of his extraordinary great influence at Court, and that H.M. was pleased to blame him for not coming oftener to visit hir, and had given him assurance of continuing his Government. He hath given full encouragement to his Corporation to exercise the powers of the Admiralty, so that H.M. Officers of the Admiralty are but as so many cyphers, nor doth the Custom-house Officer signify much more. For instance, in June last came hither a brigantine from Curesaw, one Butterworth, master, and put on shore a chest of European goods and East India goods, without certificate or entry of the said vessel or goods, which the Collector seized, and afterwards seized the vessel, on board of which was a great quantity of goods, but was forced from on board the vessel, and on complaint to a Justice could have no assistance, but the vessel run away to Road Island and there landed all his goods, and afterwards had the impudence to return hither again with the briganteen,

1702.

when the Master had stripped off all his rigging, cables, anchors, sails, and what was valuable, and then left her to the officer to seize, which he did, and then went to the Lt.-Gov. to have his assistance to search for the said rigging. The Governor was pleased to say it was time enough when the vessel was condemned. In the meantime all was removed and secured. In Sept. last one Mr. Mulder, of Curesaw, imported into this place to the value of 1,400*l.* worth of European goods and rann them ashore; about June one Stafford arrived here from Curesaw and landed a great quantity of European goods and East India goods without certificate or entry, one chest of which was seized and condemned. I know Mr. Penn will be very angry to have the Religious People of his Government so much as taxed with encouraging illegal trade, and perhaps will not so much as know any of these instances, though his Agent hath received his share of these condemnations. I am very unwilling to aggravate things beyond the necessity of my duty, but am very well assured that unless some measures are taken to prevent illegal trade in this Government, and likewise in Connecticutt and Road Island, it will ruin all the honest trade of America. The merchants of New York, as well as the Officers of the Customs, did complain to me at my being there last week, that unless some extraordinary methods are speedily taken to prevent the illegal trade of these two Northern Proprietary Governments, it will ruin all the trade of these parts. They have got a way of late to go there directly from Curesaw and procure false certificates for those goods, and so carry them into the other Governments, which must be prevented, else the consequence will be very fatal to the manufactury and trade of England. In Oct. last there was a sloop bound for Curesaw in which a merchant of this place designed to go, and had ordered a tobacco cutter, which is a considerable trade in this place, to pack him up a considerable quantity of tobacco in flower-casque, but the merchant's money falling short, was forced to leave part of the tobacco on the man's hands, wch. occasioned a suit of Law; this made the business publick; afterwards the sloop alters hir voyage and designed for Jamaica, upon which they put ashore divers casks, which they said was Indian corn, but proved evidently to be cutt tobacco, which was seen by a great many people as it lay on the wharfe; however, the officer's eyes were shutt and the sloop is gone her voyage to Jamaica. Mr. Penn hath made a kinsman of his Naval Officer, who declare that whatever seizures he makes shall be tried in the Court of Pleas, of which he is also the Clerk. This liberty he pretends the Law gives him, although it be contrary to the very intention of the Act. However, he hath been so good as his word, for having seized a vessel which traded contrary to Law, he brings his libel into the Court of Pleas, and there she was acquitted. So that we have here only the name of a Court of Admiralty, and as matters are managed by this Government at present, it will not answer the end. There hath been a great deal of art and industry used to impose on your Lordships a second sham Militia to serve a turn. Great pains was taken to perswade the people to list themselves, great promises made, abundance of strong liquor spent and fine speeches, but all amounted to no more than the gathering together about 30 or 40 men, to compleat wch. forces they drained the gaol of some, borrowed some servants and others, and after all this scandelous ragged Regiment had not above 6 swords amongst them, no shews or stockins, and finding themselves exposed and ridiculed, the Lieut.-Governor was ashamed of his Militia, so they were dismissed and never appeared since, tho' I expect to find an account of them in the *Gazette*, which is the least that Mr. Penn can doe, to let the world know how formidable a Militia he hath to defend H.M. good subjects of this Province. I will not trouble your Lordships with the Quakers' severe threats against me and all other concerned for H.M. interest, for my own part I value it not, but the hard usage I met with in England by those vexatious actions brought against me by Mr. Penn's contrivance, one of which actions is still depending, doth very much startle the Queen's Officers, and makes them very unwilling to act, wch. is improved by the constant insults and threats of the Quakers, who endeavour to persuade all men that Mr. Penn is the chief steersman at the helm of Government in England.

I have lately been to New York, in order to H.M. Service, which called me to attend on my Lord Cornbury, in order to a convoy for the vessels laden with provisions which I am ordered to despatch away to Jamaica for the supplying H.M. forces designed for that place, which gave me opportunity not only of observing the present happy state of that Province, but also its late most miserable condition. No country was ever reduced to more miserable circumstances than that poor Province was under the late unhappy Government. Had it continued but some short time longer, the very nature and being of an English Government had been extirpated in all its parts, the trade of it totally ruined, and deserted by all the English inhabitants, and so left a prey to the French. A particular account of the barbarous and inhuman usage of most of the considerable persons of that country is a subject fitter for a volume than a short remark. I will therefore referr that, and proceed to acquaint your Lordships with the happy change and postures of affairs since the arrival of H.E., which cannot be better demonstrated then by the Address of the Assembly and all the Counties of the Provinces, the vast return and increase of its trade, which was before quite ruined and decayed, the great joy and satisfaction which appears in the countenances of all except a few of the meanest and most despicable of the Dutch, and which is most, the present happiness of that Government and people appears by the cheerfulness and readiness of the whole in contributing towards the support of H.M. Government against the French and all other H.M. enemies. H.E. hath managed himself with great prudence and conduct in relation to those fire-brands, Attwood and Weaver, who have great judgment on them for their wicked deeds, outlived not only their reputation, justice and reason, but their great politicks and interest too, and have left

1702.

such an infamous carracter behind them that can never wear off. It is the hopes and hearty wishes of all good men that my Lord Cornbury will quickly be the happy instrument of healing the breaches and restoring tranquillity to the poor distracted inhabitants of the Jerseys, who are impatient till my Lord's Commission comes, that so they may be freed from the tyranny of the Quakers, who are more inhuman than the Taskmasters of Egypt, nor are we of this Province without some hopes in due time by your Lordships' order we may recover the influence of H.M. grace, favour and protection. I do wholly rely on your Lordships' favour in relation to the perfecting wt. your Lordships were pleased to propose to H.M. on my behalf, the payment of my 300*l.* towards the charges and expense of my voyage for England, wch. is much short of what I am out of pockett. Your Lordships were pleased to propose that I might be further impowered and qualified to serve H.M. and your Lordships in these parts of America. I gave in several memorials in behalf of Mr. Jno. Moore, H.M. Advocate of the Admiralty, who hath served now about 5 years without any reward, and in my absence hath asserted H.M. interest with much courage and zeal. If something be not done for his encouragement, it will be impossible for me to keep him steddy. *Signed*, Robt. Quary. *Endorsed*, Recd. 22nd, Read Jan. 27, 1702. 7 *pp.* *Enclosed*,

16. i. Abstract of preceding. 2¼ *pp.*

16. ii. Memorandum of Address of the Three Lower Counties to the Board. (*No. v. infra.*) ½ *p.*

16. iii. Memorandum of several papers relating to the sitting of an Assembly in Pennsylvania. (*See below.*) ½ *p.* [*C.O.* 323, 3. *Nos.* 142, 142.i.–iii., 110; *and* (*without enclosures*) 324, 8. *pp.* 194–211.]

Dec. 7. Pennsylvania. **17.** Memorandum of above Letter from Col. Quary to the Council of Trade and Plantations. ¼ *p.* *Enclosed*,

17. i. Minutes of Council in Assembly of Pennsylvania. Philadelphia, Nov. 19, 1702. *Present:* Andrew Hamilton, Lt.-Governor, Edward Shippen, John Guest, Saml. Carpenter, Wm. Clark, Tho. Story, Caleb Pusey, and James Logan, Secretary. Ordered, that the Members of the Three Upper Counties doe give in writing under their hands, Yea or No, whether they are willing to joyn to act as an Assembly with the Members of the Three Lower Counties as they are now respectively chosen.

Answer: We of the Upper Counties viz. Philadelphia, Chester and Bucks are willing to joyn with the Members of the Three Lower Counties to act as an Assembly in a Charterall way, or according to Charter, and not otherwise. *Signed*, David Lloyd, John Swift, Wm. Paxton, Andrew Job, Nich. Pyle, Jo. Bennett, Joseph Growden, Griffith Jones, Antho. Morris, Jere. Langhorne, John Warrd. *Copy.* 1 *p.*

17. ii. Minutes of Council in Assembly of Pennsylvania. Nov. 19, 1702. Ordered that, if in response to the

above question, either or both of the bodies of Representatives shall by their answers refuse to joyn with the other, those who so refuse be desired in writing to represent to the Governor and Council what methods they propose for the forming of an Assembly to prevent the Government suffering for want of one, when affairs of such importance as have been proposed require their immediate service. *Signed*, James Logan, Secretary. *Copy.* 1 *p.*

17. iii. Minutes of Council of Pennsylvania, Nov. 19, 1702. Ordered that the following question be sent in writing to the Representatives elected to serve in Assembly for the Three Lower Counties annexed to Pennsylvania, now convened at Philadelphia, and that they be desired to give their answer under their hands also in writing:—Are the Members of the Lower Counties willing or not to joyn with those of the Province on the foot they [*are*] now respectively called? *Copy.* 1 *p.*

17. iv. Answer of the Members of the Three Lower Counties to the questions of the Governor and Council:—Finding they are called here upon a different foot with those of the Upper Counties, cannot, if there were no other obstacle, join with them in legislation, but are chearful and willing, when warrantably convened, to proceed in Assembly to answer H.M. commands, and such other matters of importance as then shall be laid before them, though they will not presume to direct this Government in what methods to convene them, they supposing it not their business, but that of those who have the rule over them. *Signed*, Ro. Trench, Richard Halliwell, Jasper Yeates, Evan Jones, Thomas Sharp, John Footer, John Hill, Joseph Booth.

17. v. Address of the Members of Assembly for the Three Lower Counties to the Council of Trade and Plantations. Philadelphia, Nov. 21, 1702. The Members *aforesaid* (all but four, absent by sickness) acknowledge letter June 25 to Col. Quary, "returning their gratefullest acknowledgments for your condescension, and beseeching your Lordships to represent us to H.M. in the number of dutiful and obedient subjects. The encouragement given us (whereon we rely) of protection adds new life to our drooping spirits, who have hitherto bin fed with the empty promises of Mr. Penn, under the most solemn assurance that on his return to England to gett us so established and secured and put us in such a posture, wee might be less apprehensive of an attack from an enemy, either by sea or land. But we are now convinced he has rather put a false gloss on our circumstances, instead of representing the nakedness of our country, hourly exposed to the insults of the most inconsiderable enemy, having neither militia, officer, fortgun, powder or shott, and in an open Bay, a consideration so

1702.

astonishing will hardly leave room to think of our many intestine misfortunes. Wee are now summoned by a writ from the Lieut.-Governor to meet the Members of the Upper Counties (called the Province) that are elected by colour of one of the Charters granted by Mr. Penn to his favourites on his departure, in which are several clauses destructive to all Government (as would appear, could we come at a copy to lay before your Board), and this scheme we are prest to own and act conjunctly with, otherwise a separation must follow, which we are well assured was concerted beforehand and projected as an expedient to throw and drop that part of the Government Mr. Penn has so slender a pretention to. The results of this meeting the *above* papers will tell. All the tobaccos of the River and Bay are made in these Counties ; tenn vessels has bin mostly loaden therewith for England this year, and much more would be rais'd, would H.M. be pleased to countenance those that have hitherto laboured under all the calumnies and depretiating characters the Quakers could suggest, but to descend to particulars of that kind is to large a field. We therefore humbly implore your Lordships to state our condition to H.M., hoping the Queen will vouchsafe to take us into her immediate protection (whose reign God prolong)." *Signed*, Ro. Trench, Richard Halliwell, Jasper Yeates, *Newcastle County ;* Thomas Sharp, Evan Jones, John Foster, *Kent County* ; John Hill, *Sussex County. Endorsed*, Recd. 22nd, Read Jan. 27, 1702 (1703). *Addressed.* 2 *pp.* [*C.O.* 5, 1262. *Nos.* 10, 10.i.–v.]

Dec. 7. **18.** William Penn to [? the Council of Trade and Plantations]. Honble. Friends, I send the enclosed passages, by which you will have hints of our circumstances in America, which I took out of three letters lately received. They urge me to beg your dispatch of the approbation, a ship lyeing in the Downs for the first winde that presents. The security waits your letter to make way for it. *Signed*, Your very respectfull Friend, Wm. Penn. *Endorsed*, Recd. 7th. Read Dec. 8, 1702. *Holograph.* 1 *p.* *Enclosed*,

18. i. Copies of extracts from Letters from Philadelphia to William Penn. (*a*) 29th, 5 mo., 1702. Hond. Governor, By last post a packet arrived with orders directed to proclaim the War, which was accordingly done, 24th inst. Upon the occasion given, the Governor, as he had done also before, [he] recommended to the People to think of putting themselves in a posture of defence, and since that issued Commissions for one Company of Militia and intends to proceed all the Government over. Those of the hot Church Party oppose it to their utmost, because they will have nothing done that may look with a good countenance at home ; they

have done all they can to diswade all from touching with it, but the Capt., who is one George Lowther, mustering two days agoe, had a sufficient Company for the first appearance. Lord Cornbe [*sic*] is now at Albany treating with the Indians who come in to him very slow; things on that quarter do really appear dark. I wish we may be in no danger from thence. Harry of Conostogo was here last week, and is gone up to Onondagoes, who hath engaged to bring certain advice how they stand affected.

(*b*) 13th, 6th mo., 1702. Hond. Governor, Butterworth hath brought his brigantine in, the Governor presses forward his militia, but the Church Party, as they call themselves, leave no stone unturned to oppose it; an Approbation is much wanted, and makes the Governor very uneasy. About three weeks ago Edmd. Du Casteel coming from Jamaica fell in with the French fleet, Lat. 35 or thereabouts, commanded by Chatau Renault convoying the Plate fleet home; there were 36 men-of-war; the whole fleet in number 56. Ed. was on board the Admiral and had a pass from him, assuring him there was no war; whether the Admiral knew no better or not, is uncertain; Edmd. did not then. Bembo lies still at Jamaica; they say he hath dispatched an express home, which is about them, but it was not publickly known in the West Indies that any fleet so large was in those parts. I forgot to mention an intrigue of D. Loyd's and J. Moor's (who are now most strictly united) to confuse all our Courts and their proceedings; that a stop being put to the administration of Justice, such complaints may be now sent home as they were upon the convulsions of this Government, when the King took it into his hands before; he is now made by J.M., Col. Quary's Deputy Judge of the Admiralty, Advocate of the said Court, and is now at Newcastle upon a trial in it, notwithstanding his opposition to it before thy arrival occasioned thee so much trouble. J. Moor is the Queen's Advocate of the Admiralty and Col. Quary's Deputy Judge, and he that cried out so much of D. Loyd for his disrespectful expressions of the late King's Commission to the Officers of the Admiralty, whom I turned out within 14 days after the order from the Lords to that effect Justices came to hand [*sic*], he (J. Moor) hath thought fit to make his Deputy Advocate, wch. seems to be without Justice, if not without president, to the poor subject. I beg your dispatch of the Approbation for the publick peace and security. 2 *pp.* [*C.O.* 5, 1262. *Nos.* 11, 11.i.; *and* 5, 1290. *pp.* 262-266.]

Dec. 7.
St. Jago de la Vega.

19. Minutes of Council of Jamaica. Governor Thomas Handasyd took the oath relating to the Acts of Trade and

1702.

Navigation. He read a letter from H.M., Sept. 7, 1702. "Our will and pleasure is that forthwith upon receipt hereof you cause such a number of barracks to be built as may be sufficient to receive 3,000 men, the same to be placed at greater distances than they usually are in Europe," which he recommended to the serious consideration of the Board. The Board unanimously gave their opinion that it would be impossible to perform H.M. commands in building of barracks, there being no provision of a fund made by H.M. for defraying such a considerable expense. But that all due care shall be taken to provide all conveniences of House-room that can be got in the towns and places adjacent for their present reception, not doubting but they will come provided with tents and hammacoes. Ordered that the Receiver General pay the 15*d. per diem*, which was ordered to be paid to the French and Spanish prisoners, and place what he shall so pay to account of H.M. Revenue. [*C.O.* 140, 6. *p.* 112.]

Dec. 8. Whitehall. **20**. Council of Trade and Plantations to Governor Sir Bevill Granville. Enclosing copies of petitions and Order of Council [July 9 and Nov. 26], relating to Appeals. All which papers you are to communicate to H.M. Council of Barbados and together with them to consider the same, and thereupon to signify to us what may be the consequences of any such alteration as has been proposed, and what is the general sense of the inhabitants. *Signed*, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior, Weymouth, Dartmouth, Ph. Meadows. [*C.O.* 29, 8. *p.* 266.]

Dec. 8. **21**. William Popple to William Penn. Your letters of the 4th and 7th inst. have been laid before the Council of Trade and Plantations, and upon consideration of your Declaration enclosed in the first, not finding the same so conformable to H.M. Order in Council as they conceive it ought to be, their Lordships have directed me to return it to you, and therewith also to send you (as I do here enclosed) the form of a Declaration prepared by themselves in conformity to H.M. said Order, which they desire you to dispatch accordingly, upon fair large paper; and I am further to assure you that upon the receipt thereof they will make no delay in what remains to be done by them in pursuance of H.M. aforesaid Order. *Annexed*,

21. i. Copy of Declaration, *as signed by Penn, Dec.* 10. [*C.O.* 5, 1290. *pp.* 267, 268.]

Dec. 8. Jamaica. **22**. Peter Beckford to [? the Earl of Nottingham]. In obedience to H.M. Commission, I delivered up the Government of this Island to Col. Handyside the 4th inst., and hope I shall deserve H.M. gratious approbation for what I have done whilst in it. I promised your Lordship an account of our Privateers, whom we then left on the Isthmus of Darien, designed for the mines of St. Maries (or Sta. Crux d'Cana), where they were assured from both Indians and Spaniards of meeting with a considerable booty, if they could take the mines without being descryed. Aug. 13, our people to the number of 400 or more landed at the

1702.

Sambles, and were there joined by 50 French straglers, who had lived amongst the Indians for some time, and about 70 or 80 Indians under the command of one Pedro, a sensible Indian, who understands English, French and Spanish, and assured our people they should be joined by more Indians as they march'd along, and were accordingly by about 150 more. By reason of the continuate rains and badness of the way (the mountains being almost inaccessible) they did not get to the mines till the 31st. The Spaniards had got some intelligence of our men's landing, and had therefore sent advice to the mines, for within a day and a half's march of the mines our people met with a party of 11 Spaniards posted to descry us; an advanced party of ours fell in with them, killed two, took seaven; however, two made their escape to the Towne; and though we made all the dilligence that was possible after them, yet they got to the town about three hours before us, so that the Spaniards, taking alarm, fled with all their gold, negroes, and whatsoever else they could carry into the mountains. Some of the Spaniards, to the number of about 60, had posted themselves in a small kind of a brest work upon an eminence above the town, but upon the approach of forty of our men, they quitted their post, flung down their arms, and made the best of their way into the woods. We had but one man wounded, though we received their fire; the Spaniards were, I suppose, in two much haste to take aim; however, our men gave them a volley, kil'd 4 and took about 14, prisoners, met with some gold, but abundance of rich goods which they gave a considerable part of to the Indians, for it was not possible for them to bring it back, their very arms being luggage enough in such a march. The Indians were very serviceable to our men, both in their march and retreat back. This town of St. Crux and the mines lye within half a day's march of St. Maries. These mines are opened up at the foot of a very steep mountain, the Spaniards having worked it upwards for the more easy carrying of the water, which discharges itself into a small valley, begirt all round with mountains. The water seems all discoloured from the tincture of these or other mines, and the valley being very flat and swampish renders the place very unhealthy. Our people worked in the mines about 7 days till they began to grow sickly, which prevented their attempting of St. Maries, from whence they might have gone by water to Panama, the River of St. Maries discharging itself into the South Sea; during the time of their stay they workt and wash'd about 100 pound wt. of gold. This gold, my Lord, grows in the hard solid rocks and generally appears in little sparks, but sometimes in large stringy veins: the miners dig the solid rock, pound and grind it to dust, then wash it. I have sent your Lordship two pieces, one of the top of the mine, which they term the Mother of Gold, and the other a small peece of the rock which has the gold in it, tho' not rich, which will give your Lordship a better idea than anything I can say. We took about 80 of their negroes, some of their top miners. It's said that the Spaniards had above 1,000 negroes at work at this mine, who would all

1702.

have come into us, but were afraid, as well as the Spaniards of the Indians, who are not used to give them any quarter, and yet without the aid of these salvages, such a march as our people went, would not have been judged practicable, for the Spaniards do affirm that no Christians ever pas'd those mountains before ; but had they gone the way which I thought they would have taken they need not have met with half those obstacles, nor would their march have been near so long ; however, God be praised, we lost but two men in the expedition, and the Spaniards may see that we can find the way to their mines, whenever H.M. commands us, and if ever we visit these mines again my advice should be to land at Golden Island, and march by way of the Stocados, a work of but 4 or 5 days to St. Maries, which lyes within half a day's march of these mines, and then you have no river to cross but Rio Grande. Or if you land at Orange Bay, which lies between Chagre and Puerto Bello, you may march to Panama in 48 hours ; from thence you have the sea to the River of St. Maries, which will carry you up to the Town of that name ; but several other ways might be contrived, which I shall be very ready to acquaint your Lordship with, whenever your Lordship shall be pleased to lay your commands on, *signed*, Pe. Beckford. *P.S.*—I cannot tell whether your Admiral Benbow may have informed your Lordship of the number of soldiers on board Ducass' fleet, though I sent him letters taken in a Spanish pacquet-boat brought in hither by one of our privateers. Ducass sent 500 soldiers (who were 2,000 in all) to the Havana with 2 sail of men-of-war, and 500 more with the Vice-King of Mexico, the Marquis D'Albequerque, to La Vere Crux, with 2 other ships of war. When he met our Admiral, he had left 4 men-of-war and 1,000 soldiers, 500 whereof he has, I suppose, landed at Carthagena, and sent the other to Chagre. Ducass is now careening at Carthagena, and his intentions are to go to the Havana to meet the other ships who are to careen there, where they will be joyned with some merchant ships ; for the Spaniards write that when Ducass should arrive, they should be a fleet of 20 sail, intended immediately on their conjunction for Europe. *Signed*, Pe. Beckford. *Endorsed*, R. Feb. 6, 170$\frac{2}{3}$. 3 *pp.* [*C.O.* 137, 45. *No.* 29.]

Dec. 8. **23.** Journal of Council of Trade and Plantations. Letter to Sir Bevill Granville signed.

Letter from Mr. Penn, Dec. 4, enclosing a Declaration signed by him, read. But their Lordships not finding his said Declaration conformable to H.M. Order in Council directed the same to be returned to him, together with the form of a Declaration now prepared by themselves in conformity to the said Order, and that it be signified to him that, upon his dispatch of this Declaration, they will make no delay in what remains to be done by them in that matter.

Letter from Mr. Penn of the 7th inst., with extracts enclosed, read.

Sir Wm. Dane, Mr. Clayton, Mr. Johnston and Mr. Burridge, Members of Parliament for Bristol, Liverpool and Lime, acquainted

1702.

the Board that having understood there had been application made by some merchants of London to H.R.H. the Lord High Admiral against the sending any considerable fleet and convoys to Virginia, this next season, they had petitioned H.M. to the contrary, and did expect to have found both those petitions referred to this Board; but their Lordships acquainting them that no such reference is yet come, they said they would enquire into the matter, and endeavour to promote it, and then wait upon the Board with their reasons against the design of the London Petitioners, wch. they esteem to be very pernicious to the Colony and Trade of Virginia and to H.M. Revenue arising by Customs on Tobacco.

Dec. 9. Copies of Brigadier Selwyn's Instructions about settling the Public Revenue in Jamaica, Aug. 14, 1701: and of Col. Handaside's Commission to be Lt. Gov. of Jamaica, June 20, 1702, lately received from the Earl of Nottingham's Office, were laid before the Board.

Orders of Council, Oct. 22, approving Governors' Instructions, read.

Order of Council, Oct. 30, read.

Letter from Governor Winthrop, July 29, read.

Letter from Col. Maurice of New Jersey, Sept. 29, read.

Letter from Mr. Larkin, July 1st, read.

Memorial from Mr. Usher, Nov. 16, read.

Their Lordships proceeded to the further consideration of the Act for the setling and strengthening H.M. part of St. Christopher's, and directed a Representation to be drawn in order to the repealing of it.

Dec. 10. Mr. Eccleston and Mr. Wych [? *Wyeth*] desiring a Copy of the Act lately received from Maryland for the maintenance of Ministers *etc.* in order to such observations as they shall find proper to be made thereon, their Lordships acquainted them that they had not yet had leisure to peruse the said Act, but when they came to consider it, they would be mindful of their desire.

Ordered that the Address from the Inhabitants of New York to his late Majesty, dated Dec. 30, 1701, as likewise their Address to the House of Commons, received in Lord Cornbury's letter, Sept. 27th, be sent to the Earl of Nottingham.

Representation to H.M. for the repeal of an Act of St. Christopher's, signed.

Letter from Mr. Penn, enclosing Declaration, together with a letter from Col. Hamilton to him relating to the State of Pennsylvania, read. Secretary ordered to write to Mr. Lowndes that security may be taken for Col. Hamilton's observing the Acts of Trade in Pennsylvania, in the same manner as has been lately done for the respective Governors of Carolina, and of the Bahama Islands; and in order thereunto directed the names of Paul Docmanique and Adolph Philips, proposed by Mr. Penn, to be inserted in the bond to be taken for that purpose.

Ordered that a Copy of the Report of a Committee of Council be annexed to H.M. Order in Council relating to Appeals in Barbadoes, be enclosed in the letter from the Board of the 8th inst.

1702.

to Sir Bevill Granville. [*C.O.* 391, 15. *pp.* 309–316; *and* 391, 96. *Nos.* 197–199.]

Dec. 10. [10 Xber.] **24.** William Penn to [? *William Popple*]. Esteemed Friend, I have neither so good paper nor so good a hand, so send the same executed by me, to avoide giveing occasion to any of the Lords to think I delay wth. designe to triffle wth. them. If it please not, I must desire that the same Clark write it over fair in the best paper, not folded, and I will signe and seale it, and satisfy him, tho' with some reluctancy, I must needs say, without Govermt. in only Council tell me I may do it, for that Goverment is the subject matter the declaration refers to. I have here enclosed part of a letter from Governor Hamilton that confirms what I suggested of the necessity of the dispatch of an approbation, and that some turbulent people will not be satisfyed full nor fasting. I am with truth, Thy affect. Frd. Wm. Penn. *Endorsed*, Recd. Read Dec. 10, 1702. *Holograph.* 2 *pp.* *Enclosed*,

24. i. Lt. Gov. Hamilton to William Penn. Burl[*ington*], Sept. 19, 1702. The last I had from you was by Mr. Morris, April 24. This is the first opportunity I have had since to write by. I wrote several letters of the 7th and 9th of May by John Satchell, who came by Guy, and several since. In one I sent you a certificate from Jamaica, and attested by Mr. Bailey to be a true copy of the original in his hands, that the indico for which Wm. Roydon's sloop was seized (which I mentioned to you in mine of Dec. last) had paid the duties and bond given pursuant to the Act of Parliament. I hope then I shall not be blamed for having admitted him to bail to produce this certificate. As to the state of your country in general, filthy foul practices are used to run the inhabitants into confusion, but as yet both Province and Territories keep Courts at their seasons appointed by Law, except the Court at Bucks, wch. by a stratagem of D. L[*loyd*?] was adjourned without doing anything, wch. I shall put out of his power next time. Since I proclaimed the war, I have appointed officers for the Province and territories. Noebody can imagine what ungentleman-like practices are set afoot by those who to the scandal of their profession call themselves Churchmen, to discourage those who have inlisted themselves to continue; they cause their wives to fall upon them for leaving their business, as they call it, and they that want, they busily dissuade them to appear any more in arms, for, say they, the chief argument we have to defeat the present Government under Mr. Penn is to have it to complaine that we are without a Militia, and your appearing will remove that complaint. However, the Cavalier part of the Church despise those mean devices, and take Commissions and industriously encourage the inhabitants to inlist

themselves. The small-pox has run thro' your country and West Jersey, and by the extream variety of weather fevers and agues are very frequent, but praise to God he carried off but few. Poor New York lies under a sorer affliction, for after the small-pox had run over the town, a malignant fever ensued, wch. has carried off several hundreds, among others Col. Menville and the Secretary, and rages at present at that rate that all communication is broke up with them, but by the post most families left the town and settle in the Jerseys and Long Island, and my Lord Cornbury forced to keep at Albany. I hope the cold weather will abate it; it is far more terrible than that sickness wch. happened at Philadelphia the fall before your arrival. My humble duty to his Grace the D. of Hamilton. I humbly make my acknowledgements for the honour you tell me he doth me in remembering me. I designe next post to write to his Grace. I thank God all our family are in good health, and begg you and your Lady accept their humble regards, and soe doth in great sincerity, yr. most obedient servant, And. Hamilton. 1¼ *pp.*

24. ii. Declaration of William Penn. I underwritten do by these presents declare and promise that the Queen's Royal Approbation and allowance of Col. Andrew Hamilton to be Deputy Governor of Pennsylvania and the Three Lower Counties upon Delaware River, for one year only, shal not be construed in any manner to diminish or set aside Her Majesty's claim of right to the said Three Lower Counties. In witness whereof I hereunto set my hand and seal, this 10th day of December, 1702. *Signed,* Wm. Penn. *Sealed. Endorsed,* Recd. Read Dec 10, 1702. ¾ *p.* [*C.O.* 5, 1262. *Nos.* 12, 12.i., ii.; *and* 5, 1290. *pp.* 273–277.]

Dec. 10.
St. Jago de la Vega.

25. Lt.-Governor Handasyd to the Earl of Nottingham. Upon the receipt of H.M. Commission to me as Lt.-Gov., I have by and with the advice of the Council called an Assembly, which will meet in 40 days from the date hereof, in order to put things in their due channel, and that the Law may have its due course, there having been no Court held here these two years. Several Councillors being aged and infirm and cannot attend in Council, and there being a vacancy in the room of Sir Thomas Muddiford, decd., I beg your Lordship would be pleased to put in as Councellor Lt.-Col. Francis Rose, a man that is faithful and zealous for H.M. service, and one of a very good estate in this Island. *Signed,* Tho. Handasyd. *Endorsed,* R. Feb. 6, 170⅔. 1 *p.* [*C.O.* 137, 45. *No.* 32.]

Dec. 10.
St. Jago de la Vega.

26. Lt.-Governor Handasyd to the Earl of Nottingham. Acknowledges receipt of letters. The fleet being out upon a cruise, I have writ to Rear Admiral Whetston, that H.M. service

1702.

requires his return here, at which time I shall deliver him the letter enclosed for Admiral Bembo. In relation to the troops, as well as those under H.M. pay as the inhabitants of the Island, there shall be all diligent care taken to have them in readyness; as to the secrecy of the matter, that H.M. enemies may not come to know it, may I have my just reward as an ungrateful traitour if anything shall happen to H.M. disadvantage whilst blood in my veins. As to what H.M. is pleased to order about the building of barracks for 3,000 men, I do not know whether such may be intended as were raised in Ireland, 40,000*l.* would not defray the charge in this country, where such buildings are unreasonably dear, but others I hope may be contrived not to cost above 3,000*l.*, and yet prove serviceable for 3 or 4 years; neither brick nor mortar need be made use of, and the expense of the workmanship (wherein many white men are not to be employed) will not be very chargeable. They will be made tight to keep out the rain and protect against the sun, and no extraordinary provisions need be made against the cold in so warm a climate. My utmost endeavours shall be in obedience to this and all other H.M. commands, which I will immediately put in execution, though I am very much afraid of my being streightned in part of time of [*sic*]. The Island is at present pretty healthy, but has been sickly. *Signed,* Tho. Handasyd. *Endorsed,* R. Feb. 6, 170$\frac{2}{3}$. 1$\frac{3}{4}$ *pp.* [*C.O.* 137, 45. *No.* 31.]

Dec. 10. **27.** Lt.-Governor Handasyd to the Earl of Nottingham. *Enclosing* Minutes of Council of Jamaica, Dec. 4 and Dec. 7. *Signed,* Tho. Handasyd. *Addressed and sealed. Much torn.* 1 *p. Enclosed,*

27. i. Minutes of Council of Jamaica, Dec. 4, 1702. St. Jago de la Vega. H.M. Commission constituting the Hon. Thomas Handasyd Lieut.-Governor and Commander-in-Chief was read, and he took the oaths appointed and subscribed the Test. Then he proceeding to swear the Council, Col. Beckford proposed a scruple, whether his having had a Commission and acting as Lt.-Governor does not suspend him from being a Councellor. The Board unanimously gave their opinion that, there being no other Instructions but those of Genl. Selwyn in the Island, wherein he is named as one of the Council, he undoubtedly remains so still; whereupon he took the oaths with the rest. Emmanuel Moreton, a newly appointed Councillor under H.M. Privy Seal, was also sworn. The Clerk of the Council and Provost Marshal also took the oaths.

Letter to the Governor from the Governor of Carolina read:—"St. Augustine, Sept. 16, 1702. The feeling sense we in Carolina had of the danger not only of the loss of this H.M. Colony, but in processe of time the same fate to all H.M. Plantations on this Maine, did for our immediate and particular preservation (as soon as we received H.M. Proclamation of War) raise force enough, as we thought, to take and subdue the Town and Castle of St. Augustine, and the Spaniards living in it. And that which prompted us to make the more haste was to prevent that assistance of soldiers and ships of war, which, as we have been informed, the French designed to send to them, which if they had done, the inhabitants of Carolina must necessarily have deserted their Colony. The Castle is very strong and regular, and if manned by French soldiers will not be subdued but by a royal force and Navy, which will be an extraordinary but necessary charge to the Crown. We are now Masters of the field and town, and have shut up all the Spaniards, men, women and children, in the Castle, which for want of such things as are necessary for taking such vastly strong-built places of defence (except your Excellency please to supply us with out of H.M. stores) we may be forced to leave untaken. The things we want are two or three mortar pieces, 50 or 60 shells, 20 barrels of powder, 2,000*lb.* of fusee shot, 200 granados with all the necessaries that belong to the mortar pieces and granadoes, together with an ingineer to use them and 200 great gun-shot and 100*lb.* of match. Lt.-General Robt. Daniell (a person that hath borne a considerable part of the charge, hazard and labour of this service, and who for his loyalty to the Crown and forwardness to serve his country, is worthy of very much creditt and respect) will give your Excellency a particular relation of our present circumstances and future designs, as well as an account of our wants. We design to tarry here till his return, unless an overpowering assistance of French or Spaniards first come to assist the besieged, or that want of victuals or water force a surrender. The latter we have not much reason to hope for so soon, which with the things sent for we doubt not will effect in three or four days. *Signed*. Ja. Moore."

The Governor acquainted the Board with H.M. Instructions that upon demand of assistance from any the neighbouring Colonies, we should, as far as we were able, give it to them, and thereupon Lt.-Gen. Daniell was desired to give an account to the Board of what was really and absolutely necessary. He gave a list:— One mortar, 50 shells, 10 barrels of powder, 500*lb.* small shot, 200*lb.* swan shot, 100*lb.* of match, two hand mortars, 200 hand granadoes. Resolved, upon due consideration of the advantage it may be to H.M. subjects in those parts, that the mortar and such other things in the list as we could spare should be supplyed to him, he giving security for the return of the mortar, and such of the other things as should not be spent before St. Augustine's Castle, to this Island in six months.

The Governor proposed whether it would not be most convenient that writs should be issued immediately to chuse a new Assembly, and that the Council of War now summoned be put off. The Board advised that writs be issued for an Assembly to meet at St. Jago de la Vega, Jan. 13 next. Proclamation ordered accordingly. The Governor proposed it to the consideration of the Board whether any and what way could be used to reduce the Gentlemen about Caymanas (who have refused to pay for the quarters of their soldiers in town) to such a temper that there may be no animosity nor difference between them and the Magistrates about it. Whereupon the Council unanimously advised the Governor that those Gentlemen should be summoned to appear here the next Council Day to give their reasons.

Order that a Proclamation be immediately issued for the continuance of all Officers, Military and Civil, in their respective posts till further notice.

Minutes of Council of Jamaica, Dec. 7, 1702. *See under date. Endorsed*, Recd. Feb. 6, $170\frac{2}{3}$. $8\frac{1}{2}$ *pp.* [*C.O.* 137, 45. *Nos.* 30, 30.i.]

Dec. 10. Whitehall. **28.** [? *William Popple*] to Wm. Lownds. *Refers to* Order in Council, Nov. 11.

Mr. Penn having thereupon offered to the Council of Trade and Plantations that Mr. Paul Dominique and Mr. Adolph Phillips, merchants of London, are willing and ready to be sureties as required for Col. Hamilton, in the penalty of 2,000*l.*, their Lordships send you the draught of a bond (approved of by Mr. Attorney General) for the Lord High Treasurer's directions, that the security be accordingly taken at the Exchequer or elsewhere as his Lordship shall think fit. [The copy of the bond was the same as that for Sir Nath. Johnson etc.] [*C.O.* 5, 1290. *pp.* 278, 279.]

[? Dec. 10.] New York. 10ber. **29.** Governor Lord Cornbury to the Council of Trade and Plantations. Since my last by H.M.S. *Advice*, Capt. Caldwall, the said Captain, notwithstanding a positive order to the contrary, which he had received from me in writing, did receive on board his ship the Countess of Bellomont before she had given sufficient security for the several sums of money the late Earl of Bellomont in his lifetime, and her ladyship since his death, or their Agents, have received upon account of the four companies of fuzileers here, and which have not been paid to the said companies, nor to their use. By which means the officers here must either lose a very considerable sum of money, or must be at very great charges to sue my Lady Bellomont and Mr. Champante. I intreat you that I may have some fuller instructions concerning any man-of-war that may be appointed to attend this Colony; the Captains of the Queen's ships are not willing to think themselves under the command of the Governor of the Province where they are, only if the ship is ordered out to cruise they will obey, but if there is occasion to send an officer and a few men to make any seizure, or upon any other private service, and the Governor sends to the Captain for any one particular officer, which he thinks he can better trust then another, the Captain will send the number of men desired, but another officer; besides, before he will suffer him to proceed upon the service required, he will see the Instructions received from the Government; that great inconveniencys may happen by such proceedings did in some measure appear when I was at Albany; Mr. Weaver, who had upon my issuing a proclamation against him, surrendered himself, and promised to make up his accounts with the Deputy Auditor and some other persons I had appointed for that purpose, when he had given his accounts privately to the Deputy Auditor, thought fit a second time to run away with Mr. Atwood, and leave his bail in the lurch, the Gentlemen of the Council, whom I had left in towne, thought it their duty to pursue those two sparks, and sent to Capt. Stapleton, H.M.S. *Jersey*, desiring him to send his master with 12 men to be sent on an expedition for the Queen's service. The Captain immediately sent the boat and men, but instead of the master, sent a midshipman to command the men; the Gentlemen of the Council gave their orders in writing to the midshipman, and bid him proceed immediately, but instead of that, he returned on board the ship and delivered the orders he had received to his Captain, who kept them, and gave him orders in writing from himself; with these orders the midshipman went to the place to which he was directed, a small creek in East Jersey; there he landed, and was told that Atwood and Weaver had been there the day before, but were gone to a farm-house, half-a-mile farther into the country, where they then were; this being a very young man, and his orders from his Captain being to go to the Creek and no farther, he returned to New York without going to the farm-house, so that the taking of these two men was disappointed, whereas if the officer that was desired had been sent, I am fully perswaded they had been taken, because I know him to be a very dilligent good officer, and fit to be trusted.

Since the *Advice* sailed, no vessel has sailed from this Port for England, till now that the *Benjamin* store-ship, which has taken in all the masts that were provided by the late Earl of Bellomont, and as much of the timber as was brought down to York; there is more lies in the woods, which shall be brought down as soon as the frost is hard enough to bear a sledge, but it cannot be done sooner. I hope your Lordships will be pleased to direct that we may be supplyed with stores of all sorts, of which we stand in great need, espetially cannon; many of those we have being so honey-combed that they are not fit for service, and powder, not having 200 barrels left, and some barrels of that spoiled. The General Assembly met, according to adjournment, Oct. 20, at Jamaica, and sat there till Nov. 19, on which day I did, at the request of the House, adjourn them to New York, to meet there Nov. 16 (the sicknesse being, God be praised, quite over); there they continued their Sessions till Nov. 27, during which time they passed several bills, 15 of which I send transcripts for your approbation, and hope the Queen will be pleased to approve of them: the 1st is for levying and collecting 1,800*l.* for maintaining 150 fuzileers and 30 men to be employed as scouts for five months for the defence of the frontiers. I hope the reason for passing this is soe evident that your Lordships will easily consent to the confirming of it. The next is to enable the City of New York to supply the vacancy of their officers in case of death or other disability. The reason for this Act is the defect in their Charter, by which they are not impowered to chuse new officers in lieu of those that dye in the year. The third is for granting to H.M. 2,000*l.*; the 4th to appoint Commissioners to state the accounts and debts of this Province. This Act I earnestly intreat may be confirmed, for without it, it will be impossible to find out the debts of this Province. The next is for destroying of wolves, a very necessary bill. The 6th carries its reason in its title; the 7th is for settling the Militia; if this Act is not confirmed, we shall have no militia at all in this Colony. The 8th, for regulating of slaves is become absolutely necessary through the great insolency that sort of people are grown to. The 9th is absolutely necessary to prevent some doubts that might arise upon the adjournment of the Supream Court; the 10th to repeal several Acts of Assembly. This I did refuse to pass for some time, till the House passed the 14th, for continuing the Revenue, upon which I passed them both, which I hope you will approve of. The 11th for a free school, I hope wants no recommendation. The 12th being for the good of the City and a charge upon themselves only, I hope will be approved of. The 13th is of very great use to trade, and therefore I hope may be confirmed. The 15th, for the better maintenance of the poor, is extremely wanted in this City, and therefore I intreat it may be confirmed. I have no doubt at their meeting in spring the Assembly will continue to do their duty to H.M. to the utmost of their power. Encloses Addresses to be laid before H.M. *Signed*, Cornbury. *Endorsed*, Recd. Feb. 5, Read March 5, 1702 [1703]. *Holograph.* 4 *pp.* *Enclosed*,

29. i. Abstract of preceding. $\frac{3}{4}$ *p.*

29. ii. Copy of Lord Cornbury's Order to Capt. Caldwall not to take the Countess of Bellomont on board the *Advice.* (*See supra.*) Sept. 23, 1702. *Signed,* Cornbury. *Endorsed as letter.* 1 *p.*

29. iii. Copy of an Address from the Governor, Council and Representatives of New York to the Queen. Congratulate H.M. happy accession *etc.* Many of us in this Province have had the misfortune to be misrepresented as disaffected to the Government and Laws of England, and particularly to the person of his late Majesty, and several of us severely treated as such, by the persons then executing the powers of Government here, notwithstanding, we have all of us in our respective stations most studiously and constantly given proofs of our readiness to support the Government

of England as by Law established. We firmly resolve upon all occasions to give fresh demonstrations of our inviolable duty, zeal and affection to your Majesty's person and Government *etc.* *Signed*, Cornbury, William Smith, Pa. Schuyler, Sa. Sh. Broughton, Wm. Lawrence, Gerard Beekman, Caleb Heathcote, Rip Van Dam, John Bridges, W. Nicoll, K. V. Renslaer, Tho. Garton, M. Howell, Danll. Whitehead, Hen. Beeckman, J. Abeel, John Stillwell, Joseph Mundy, Myndert Schuylers, Evert Bancker, Wm. Willott. Abraham Lakeman, Josiah Hunt, Cornelius Seberinsth. Cornelius Van Brunt, Stephen de Lancey, John Jackson, J. V. Cortland, Ph. French, Tho. Codrington. *Endorsed*, Recd. Feb. 5, 1702. 2 *pp.*

29. iv. Copy of Address from the Representatives of New York to the Queen. Your Majesty's loyal, faithful and most affectionate subjects, the Representatives of your Colony of New York, met in General Assembly, most humbly pray your Majesty's gracious leave to offer to your Royal consideration, that from the arrival of the late Earl of Bellomont here, your Majesty's English subjects in these parts, and those of foreign birth united with them in inclination and interest and entituled to the English Laws and Liberties by the bounty of your Majesty's Royal Predecessors, have been misrepresented as pirates, encouragers of unlawful trade, with such other evil and odious characters as those who had projected our ruin thought suitable to obtain their ends. The designs were not carried so close but that we soon were sensible of our misfortunes and the consequences intended by our adversaries, by all fitting ways we endeavoured to set ourselves right in the judgments of our superiors, but, to our unspeakable grief, found the prepossession so great, and the obstacles of our relief so many that it was impossible for us to surmount them. Though the difficulties we met with were surprising, yet knowing our own innocence, we resolved to leave no means untried to do ourselves justice etc. *Recounts history of the Addresses and trial of Bayard etc.* The indictments of the condemned was found to be good by a lesser number than 12, and the Jury picked out to try them of the meanest and most ignorant of the people, to that degree that several of them having been lately interrogated by this House for what fact Bayard and Hutchins were condemned, pretend they have wholly forgotten, tho' it is now not nine months since these things were acted *etc.* A Bill having been brought into this House for declaring the illegality of these proceedings and to hinder the like for the future, although we cannot but be most sensibly toucht with the heavy doom and great calamity of those our fellow subjects whose crimes in this matter we have not

discerning enough to discover, yet being informed your Majesty has graciously been pleased to give directions for an Appeal to your Majesty, we think it our duty humbly to lay this state of their case at your Majesty's Royal pleasure, that thereupon we may rightly proceed in the said Bill. We are entirely satisfied with the happiness we enjoy under your Majesty's glorious reign, and the blessing we have in being under the administration of the Lord Cornbury etc. *Signed*, W. Nicoll, M. Howell, K. V. Rensselaer, Phillip French, John Abeel, Stephen de Lancey, Tho. Garton, Danl. Whitehead, J. V. Cortlandt, Tho. Codrington, John Jackson, John Stillwell, William Willett, Myndert Schyler, Joseph Mundy, Josiah Hunt, Abraham Lakeman, Evert Bancker, Henry Beekman. *Endorsed as preceding.* 5 *pp.*

29. v. Memorandum of Journal of Assembly of New York, Oct. 20–Nov. 27, 1702. ¼ *p.*

29. vi. Memorandum of Acts of Assembly, New York, Nov. 27, 1702. ¼ *p.*

29. vii. Memorandum of Accounts of the Revenue of New York, June 10–Sept. 29, 1702. ¼ *p.* [*C.O.* 5, 1048. *Nos.* 1, 1.i.–vii.; *and* (*without enclosures*) 5, 1119. *pp.* 391–400.]

Dec. 10.
Boston.

30. Governor Dudley to the Earl of Nottingham. Since my last by the *Dreadnought*, I have the ill news of the loss of the packet-boat, which went from hence in July, wherein were copies of the Laws etc.; all which were repeated by the *Dreadnought* and this conveyance, and shall be also sent again from New Hampshire, whither I am going for that end, and particularly to take care in the several Articles directed by the Lords of Trade. (*June* 12.) I gave your Lordship account that the privateers fitted out from the several parts of this Province have taken 19 ships from the French, and the three last were one with arms, clothes and provisions sent from Quebeck to the Kennebeck Indians, according to articles lately made between the Indians and the Governor of Canada, upon which the Indians were universally to rise upon the English; the other two were brigantines sent from Quebeck with suitable provision to Placentia, there to take in 50 men each, to cruise upon our coasts for provisions, which are much wanted in all the French settlements, especially at Port Royal, the next settlement to the English pale, and by this means I have yet the Eastern Indians as far as Penobscutt in good order and quiet, though with a great deal of difficulty, the French Jesuits being amongst them at all times, whose influence must needs prevail to run them into mischief with the first of the spring; in order whereunto the Assembly have agreed to an Act of listing every fourth man in this Province to be ready armed and clothed, fit for a march in 24 hours, and I have scouts out every day in all the frontiers. There are two other Acts, in addition to the Impost and Excise and Grant of 6,000*l.* tax to be raised in 12 months, which will defray the year's expense as they have settled it in peace, but is no fund in case of the Indians rising, which has never cost us less than 1,000*l*. *per* month, and I am not to expect an easier shock from the French and Indians than heretofore. The other(s) are private Acts, or of less importance, all laid before your Lordship by these ships.

The last ships I also offered your Lordship what I said to the Assembly referring to H.M. commands for the rebuilding of Pemaquid and the settlement of salaries and the support of the Civil List, but a six weeks' Session, which ended Nov. 21, could obtain nothing from the Assembly in either point. The Committee of the Assembly I carried with me to Pemaquid, reported the reasonableness of H.M. demands, and the just advantage thereby, but was refused by the Assembly, and with an unwonted rudeness to deny a conference with the Council thereupon, but upon my message to them that I could by no means allow such a refusal, and upon which I should immediately have dissolved them, they better considered and acknowledged their mistake, but the Conference was ineffectual, though at the same time the letters from the Lords Commissioners for Trade referring to that very affair came to my hands, and was read unto them, upon which so many of the Council consented to the return of the Committee as made a Quorum, but the Assembly at last refused it. And as resolved they have been in the Article of Salaries, having granted no more than 500*l*. for my support for one year, beginning from my arrival, though I had been appointed Governor 12 months before and commissioned 6 months of that time. That sum is not above the fifth part of the necessary expense of a Governor of this Province, which they very well know themselves, since servants and good horses are dearer here than in England. The same they have done in the case of the Judges, allowing them 50*l*. apiece, when in all other Provinces there is 500*l*. *per* annum given to the Chief Judge, and proportionable to the rest of the Judges; and for the Lieutenant-Governor but 100*l*.

Upon what is abovesaid referring to Road Island, I humbly offer it as my duty to H.M. affairs here, that I shall with the greatest difficulty, if possibly contain this Province in any secure posture referring to the Acts of Trade, while the Road-Islanders do what they please; and at this time, though they have done something against the French, their vessel they sent out was without any commission, and so has the face of a pirate rather than H.M. ship, and their military part is without any form, and the impost of this Province by their neighbourhood being but 50 miles by land is defeated, there being no duty there, and ships coming out of the sea land what they please there. So that if any considerable impost be laid upon wines and rum etc., which would be the best Revenue here, will come to little, till H.M. will please to remove that little shadow of Government there remaining; but the greatest consideration is not yet mentioned, the figure the Government makes is no wise so good as an ordinary head borough in the Kingdom of England, while they are a very important Province, and have the best harbours and outletts to the sea in all the North America. The major part of the people

1702.

by far would rejoice to be annexed and brought under H.M. immediate Commission, if H.M. please so to command. The provisions for Jamaica have been now ten daies on board, the best of all sorts *etc.* As to the soldiers for Jamaica, I never expected any assistance from the Gentlemen in Government here; however, I have successfully granted three Commissions to proper persons for officers of three companies, and one of them, who has very happily taken four ships from the French this summer, Capt. Thomas Laiamore, is now ready to go on board with a very good company, but I have made bold to assure them, they shall be very kindly dealt with abroard, being voluntiers etc. (*as Nov.* 8). I hope, upon the report of their good reception, I may be able to get two Companies more against the Spring, especially if I can maintain a quiet with the Indians, though this whole matter be very grievous to most of the people here, who would be glad if any discouragement should happen to these voluntiers at Jamaica, to prevent any more going after them, which makes me now importunate that H.M. may send such order as may make this first instance happy, and settle the communication and mutual support of the Plantations severally. In the raising of Capt. Laramore's men, I have been out as the enclosed account will shew. I humbly pray it may be paid to Mr. Constantine Phipps. I would not have askt anything of H.M. on this account, if this Province had been just to give me any tolerable support; I cannot live here in the just figure of a Governour under 1,000*l.* *per* annum, and the country is able to bear it as any Province belonging to the Crown of England, but without H.M.'s warrant to take that or what H.M. pleases out of the Revenues which must necessarily be granted to the support of the Government, I shall not obtain it here. I also humbly pray that your Lordship will please to obtain a warrant for Col. Byfield, Judge of the Admiralty, Paul Dudley, Attorney General, and that two frigotts, one a fourth-rate and the other less, for the guard of the coast, and the canon sent, long since directed for this Province, and if I may find favour to be commanded for H.M. service, I will sacrifice all that is dear to me to make this Province know their Dependence and Duty, and nothing will mortify those men, that neither regard the Crown nor favour the Church of England, more than to see their Governor live happily, without any inferior dependence upon them on account of his maintenance. And while I am endeavouring to send some of the people hence for H.M. service in the West Indies, if I might in exchange have two foot companies from England for the Castle of this place and the other fortifications in New Hampshire to be commanded one by myself and the other by the Lieutenant-Governor, I should be able to give a better account of everything here.

Dec. 18. Capt. Larrimore is now on board with his officers and soldiers in good order. *Signed,* J. Dudley. *Endorsed,* Recd. Jan. 30, 170⅔. 5 *pp.* *Enclosed,*

30. i. Copy of a letter from Col. Dudley to Thomas Newton, Deputy Judge of the Admiralty, Oct. 10, 1702. In the

1702.

affair before you referring to the French ships taken by Mr. Wanton and now at Rhode Island, by vertue of a Commission from Governour Cranston, it is my duty and office to acquaint you for H.M. especial service, that the Government of Rhode Island, besides their being very obnoxious at this time for their refusal of obedience to H.M. commands, never had the least pretension or shadow to any Admiralty jurisdiction, and their power and Commission given to the said Wanton have no countenance of authority, nor do give any power that can have any operation in law, and therefore the allowance of it in a Court of Admiralty will absolutely reflect upon the Judge that shall allow it. However, the caption is good to the Queen and those ships are good prize in H.M. harbour of Rhode Island, must be condemned to H.M. use, but before you can proceed to that, the ships and goods must be in the care and possession of the Commissioners of prizes, Andrew Belcher and John George, or one of them, and if they will not admit of that, you have no manner of rule to proceed to condemnation, unless you will answer the after embezzlements yourself. When that is obeyed, you may justly proceed to condemnation, but you will not determine the captors right, unless their Commission be from H.M., my Lord High Admiral of England, or some of their Vice-Admiralls, because you know how strict the Law is in that case, but they are in the Queen's favour, as all other uncommissioned captors in England are, and of that I must be advised, being Vice-Admiral by Commission of that Province, and I shall do therein what appertains to my duty. Upon the whole I desire and expect that you sit Judge alone in that matter, because I am informed some of that Province intend to be Assessors with you, that H.M. Commissioners aforesaid, or one of them, be in possession of the ships and goods before the process, and that then an Advocate admitted make the proceeding at Law, and that the judgment of it so appear before H.M. and that the Commission of that Government be disallowed and the Captors referred to attend me further in the matter. *Signed*, J. Dudley. *Note subscribed in Governor Dudley's hand*:—Notwithstanding Mr. Newton, Deputy to Mr. Atwood, condemned the three ships upon Cranston's Commission, who has no right in derogation of the Commission which I published at Newport on Road Island for the Vice-Admiralty of that Colony, and upon that same pretence all the late piracies have been committed from that Government, and all are [? our] saylers and others fit for the service run from the Governments where the Queen's authority is preserved, to make up a swarm of people without any Government over them. *Endorsed*, Recd. Mar. 170⅔. 1¾ *pp.*

1702.

30. ii. Copy of Letter from the Assembly of Rhode Island, Newport, Sept. 17, 1702 (*q.v.*), to Governor Dudley, relating to the Militia. *Endorsed as preceding.* 2½ *pp.*

30. iii. Copy of Governor Dudley's Warrant for beating up for Voluntiers for Jamaica, Roxbury, Nov. 27, 1702. *Same endorsement.* 1 *p.*

30. iv. List of Capt. Thomas Laramore's Company, raised in the Massachusetts Bay for H.M. especial service in the West Indies, mustered by Governor Dudley on board the *Gospir* frigate, Dec. 16, 1702. Thomas Laramore, Capt., John Eyres, Lieut., Joseph Wells, Ensign; Charles Sherlock, John Woodwell, William Collins, Benjamin Pickering, Daniel Grenough, Samuel Willis, Daniel Johns, Martin Margery, John Wayte, John Dreyden, William Flynt, Andrew Mackarty, Thomas Kempthorn, Francis Fuller, John Putnum, Alexander Osborn, Samuel Brown, John Swett, Daniel Hobbs, James Mackarty, Francis Clark, Adam Meinzey, Joseph Davis, Daniel Ralph, John Hadlock, William Carter, Joseph Packer, Thomas Clay, Benjamin Wright, Jonathan Osburn, Jeremiah Hacker, William Leach, Benjamin Dean, William Wise, John Martin, Israel Bradsley, Mathew Burdiall, Peter Hipsley, Samuel Hall, Samuel Shalote, Nathaniel Frost, Joseph Gorton, Thomas Sawtle, John Ames, Benjamin Harris, Thomas Dennis, Richard Convers, Thomas Pym, John Countryman, Harry Jones, William Dawes, Thomas Rouse, James Hayes, John Troop, Ralph Bayes, Isaak Dennis, John How. *Signed,* J. Dudley. *Same endorsement.* 1 *p.*

30. v. A List of the Militia and Civil Officers in the Massachusetts Bay, Boston, Dec., 1702. (1) The Boston Regiment—810 men. Charles Hobby, Col., Thomas Savage, Lt.-Col., Benjamin Davis, Major. (2) First Regiment of Suffolk County—650 men. Nicholas Paige, Col., William Tailer, Major. (3) Second Suffolk Regiment—540 men. Ephraim Hunt, Lt.-Col., Samuel Eelles, Major. (4) Lower Middlesex Regiment—1,060 men. John Phillips, Col., Francis Foxcroft, Lt.-Col., James Converse, Major. (5) Upper Middlesex Regiment—871 men. Jonathan Tyng, Lt.-Col., Thomas Browne, Major. (6) South Essex Regiment—700 men. John Hathorne, Col., John Legg, Lt.-Col., Samuel Browne, Major. (7) Middle Essex Regiment—638 men. John Wainwright, Col., John Appleton, Lt.-Col., Francis Wainwright, Major. (8) North Essex Regiment—750 men. Daniel Peirie, Col., Dudley Bradstreet, Lt.-Col., Thomas Noyes, Major. (9) Hampshire Regiment—836 men. John Pynchon, Col., Samuel Partridge, Lt.-Col., John Pynchon, 2*dus*, Major. (10) York Regiment—280 men. Joseph Hammond, Major. (11) Plymouth County Regiment—720 men. Nathaniel Thomas, Col., Isaac Winslow, Lt.-Col., John Bradford, Major.

1702.

(12) Barnstable County Regiment—700 men. John Thacher, Col., John Goreham, Lt.-Col., William Bassett, Major. (13) Bristol County Regiment—915 men. Nathaniel Byfield, Col., Benjamin Church, Lt.-Col., Ebenezer Brenton, Major. (14) Duke's County Regiment—120 men. Benjamin Shiffe, Major. (15) Island of Nantucket—52 men. Total, 9,642. *List of Civil Officers follows, named passim. Same endorsement.* 8¾ *pp.* [*C.O.* 5, 863. *Nos.* 4, 4.i.–v.]

Dec. 10. **31.** Governor Dudley to the Council of Trade and Plantations. *Mainly duplicate of preceding letter. Additions* :—I am sorry the [*New Hampshire*] papers and records are presented so ill written and out of form. I shall take notice of it, but it will be hard to reform it, there being not a person fit in all the Province for a Secretary, and the salary and benefits amount not to more than 30*l.* per annum, which will not encourage a suitable person to attend the office. However, what your Lordships have observed, I hope shall be reformed for the future. *After references to Rhode Island*, And in this Province [? *Massachusetts*], the Council being of the people's election, many the most loyal persons and of the best estates, are not imployed, and those that are, so many of them are Commonwealth's men, and all do so absolutely depend for their stations upon the people that they dare not offend them, and so H.M. has no manner of service from them, nor countenance to H.M. affairs, which makes my station very difficult and prevents everything that looks like an expense, which the poor country Representatives obstinately withstand, and are glad of any countenance from the Gentlemen of the Council therein. . . . *Signed*, J. Dudley. *Endorsed*, Recd. Jan. 30, Read April 19, 170⅔. 5 *pp. Enclosed*,

31. i. Abstract of preceding. 2¼ *pp.*

31. ii. Copy of Col. Dudley's Speech to the General Assembly of the Massachusetts Bay, Oct. 21, 1702. Since I last saw you, I have in obedience to H.M. commands visited all the frontiers to the eastward as far as Pemaquid, and had then the opportunity of conference with the Sachems of those parts, which has occasioned the quiet we have hitherto had on that side, and saved you the trouble of an earlier meeting than at this time, which truly I was very apprehensive would not have been prevented, and how long it shall last I have no assurance, and therefore we ought to be in all points ready. The last session I communicated to you H.M. Instructions referring to the rebuilding of Pemaquid, which I must still with all earnestness offer to you, and when it is considered that all the stores necessary are in place, the foundation get good, and lime to be had very near and easy, the rebuilding cannot be thought to be half the original charge. The Indians in their Treaty, and since, urge the necessity of another Trading House beyond that at Casco Bay, and I judge it as necessary as they,

if we intend to hold them depending, and that may as well be at Pemaquid as anywhere else, and better, because the harbour is good, and our honour depends upon our asserting our own which we so unluckily lost. These things added to H.M. directions in the matter, I hope will have their due weight with everybody. I hope the Gentlemen of the Council and Assembly, that were with me there, will when that affair is before you, represent that matter as it is. I did the last session also by H.M. especial command lay before you the necessary provision of a House for the Government at Boston and a salary for the Governour, the Lieutenant Governour, the Judges and other officers of the Government. I am obliged to tell you, Gentlemen, that there is no other part nor Province belonging to the Crown of England, where there is not a stated honorable support for the Governour, and all other publick officers arising from the countrey, and I hope we shall prevent its being observed at home that we are particularly priviledged and as singular in the neglect of our duty. I shall lay before the House of Representatives a list of all officers of salary and shall desire your consideration of it in the first place, and I am sure I have no reason to doubt your regard to H.M. directions, to my own just expectations from you, neither for myself nor any other the officers of the Government, amongst whom I know none that have a stated salary, unless it be the Judges, who, I understand, are supported with 40*l.* per annum, scarce enough to maintain a servant and horse, while the next Province, much less than ourselves, pays 500*l.* per annum to the Chief Justice. If we hope to have a Government we must support it, and there are very easy waies, by a proper impost and excise, to do it, without any burthen upon the trade or husbandry of the country. *Endorsed*, Recd. Read Jan. 30, $170\frac{2}{3}$. *Copy.* $2\frac{1}{4}$ *pp.*

31. iii. Copy of Minutes of Council in Assembly of the Massachusetts Bay relating to the rebuilding of Pemaquid, May 27–Nov. 18, 1702.

Oct. 21. Report of the Committee upon H.E.'s speech relating to Pemaquid, read. Concerning the expense thereof, John Walley and Nathaniel Thomas were directed to carry it down to the House of Representatives.

Oct. 29. The report was returned from the Representatives with their vote against it.

Nov. 3. This vote was complied with and the Board proposed a Conference. The Representatives refused. The Board then passed a resolution that such refusal of a Conference upon that head or any other affair referring to the Government is a great infringement upon the rights and interest that the Council have in this Government and desire that this their Declaration be entered accordingly, and do yet insist upon the said Conference and desire the Governor to direct it accordingly. This vote was sent down.

Nov. 4. A message was sent up from the Representatives with an order that a Conference be held.

Nov. 5. The Conference was held.

Nov. 10. The Representatives sent up a message that they were still of the mind that it is not proper in this juncture of time to proceed on so weighty an affair as the building of Pemaquid Fort, the present circumstances of the Province being considered, and especially considering the late credible advice that the Eastern Indians are prevailed upon by the French to become our enemies, and a powerful body of Indians are upon their march against us; and that an Address and Memorial by a Committee of this House joined with a Committee of the Board be prepared to lay before H.M. what may be necessary referring to the same.

Nov. 11. Upon reading the above message, H.E. summoned the Representatives to attend, and communicated to them H.M. Instructions, referring to salarys and rebuilding Pemaquid, and that no Law be made for the raising of duties upon wines etc. to continue for less than one year.

Nov. 16. H.E. summoned the Assembly and reminded them that he had but two things of moment to communicate to them at the opening of this Assembly; the one, that of H.M. command for the building of the Fort at Pemaquid, and the other that of providing for the support of the Government; neither of which they had brought to any effect. He communicated to them a letter from the Council of Trade, Sept. 15.

The Board accepted the report of the Committee appointed to consider the question of the Fort, Oct. 21. [*See Cal.*, 1702. No. 1135.ii.] This report with the vote of the Board upon it was again sent down to the Representatives.

Nov. 17. Vote of the Representatives sent up that this House doth still insist upon their votes heretofore sent up for a Committee of both Houses to be appointed to prepare an humble address to H.M. and are troubled that it hath been delayed so long. Answer sent down that the Council know of no other motion from the Representatives relating to addressing H.M. save only about the matter of Pemaquid, to which they have no answer to their vote past yesterday for accepting of the report of the Committee.

Nov. 18. The Report of the Committees referring to Pemaquid was sent back from the Representatives, with the order of the House that they adhered to their vote referring to Pemaquid sent up on the 10th. Conference appointed to prepare an humble Address

1702.

to H.M. referring to the erecting a Fort at Pemaquid and such other things as they shall think proper at this time to be laid before H.M.

Nov. 21. Draught of the above Address sent up. Message sent down that in said draughts the votes of the Council referring to Pemaquid were wholly neglected, from which the Council could not depart, and there being no present opportunity of forwarding the same, to desire they might be left to further consideration, and that the necessary business before them might be dispatched, for that H.E. intended to dismiss the Assembly this afternoon.

Nov. 2. Resolve of the Representatives sent up that it is not convenient (the circumstances of the Province considered) to state salarys, but to allow as the Great and General Court shall from time to time see necessary. It was decided to send that resolve down again for reconsideration.

Nov. 11. Resolve sent up from the Representatives, that 600*l.* be paid out of the Public Treasury to H.E. Joseph Dudley for his service as Governour and for house rent for the present year beginning from the time of H.E.'s arrival, the 500*l.* granted last session to H.E. being part thereof. The Board resolved that they were not satisfied with the provision offered as a suitable maintenance for H.E. Resolve sent down to the Representatives for their reconsideration. *And see Cal.*, 1702, *Nov.* 11.

Nov. 14. Resolve sent up from the Representatives that another 100*l.* be allowed H.E. The Council expressed their disapprobation, and returned the resolve for reconsideration.

Nov. 18. The Representatives sent up the above resolve unaltered. The Council resolved that this resolve having been sent down to the Representatives with a message from the Board to move their reconsideration thereof, and the 500*l.* therein mentioned being a present to H.E., and not to be considered in this matter, and the 200*l.* expressed to be for H.E. service as Governor being very much below the dignity of his station and dishonourable to this Government; the Representatives not seeing fit to have reconsideration thereof, the Council desire H.E.'s acceptance of the said 200*l.* at present, in hopes the Assembly will have further consideration of that matter in another session and do that which is proper and honourable for the Government. *Endorsed as preceding.* 14½ *pp.*

31. iv. Copy of Proclamation appointing Oct. 22 a day of Public Fasting and Prayer throughout the Massachusetts Bay "to implore the Divine Mercy, that H.M. life and health may be long continued and her just arms prospered for subduing the exorbitant power of France;

1702.

that her provinces and territories in America may be preserved and defended; the present infection removed from our neighbours and ourselves etc. *Signed*, J. Dudley, Boston, Oct. 1, 1702. *Printed.* 1 *p.*

31. v. Proclamation for a General Thanksgiving on Dec. 10, throughout the Massachusetts Bay, "Whereas it hath pleased Almighty God to preserve the sacred person of Her most excellent Majesty Queen Anne, and continued the happy union between H.M., her allies and confederates, and prospered her arms the year past, and hath also by H.M. most gracious settlement of this Province under her Royal protection and the present administration of the Government, preserved us from any inroad or depredation by the enemy, and hath succeeded our just endeavours in obedience to H.M. Royal Commands against the French, the implacable enemy of the Protestant Religion and the Peace of Europe, and hath given us a plentiful harvest, notwithstanding the unseasonable weather in the summer past, and good health in most parts throughout the Province." *Signed*, J. Dudley, Cambridge, Nov. 21, 1702. *Printed.* 1 *p.*

31. vi. Memorandum of Act of the Massachusetts Bay, empowering persons to make sale of a messuage and lands in Cambridge belonging to the heirs of Nathaniel Goodkin, clerk, decd., being minors, Oct. 15, 1702. ¼ *p.*

31. vii. Memorandum of 8 Acts of the Massachusetts Bay, passed May 27–Oct. 15, 1702. ¼ *p.*

31. viii. Memorandum of an Act of the Massachusetts Bay to enable Samuel Sewal and Hannah his wife to settle certain lands at Muedy River in the County of Suffolk upon Samuel Sewal their eldest son. Oct. 15, 1702. ¼ *p.* [*C.O.* 5, 863. *Nos.* 5, 5.i.–viii.]

Dec. 10. **32.** Governor Dudley to the Council of Trade and Plantations. *Duplicate of preceding letter. Endorsed*, Recd. Nov. 20, 1703. [*C.O.* 5, 863. *No.* 6; *and* 5, 910. *pp.* 479–490.]

Dec. 10. Whitehall. **33.** Council of Trade and Plantations to the Queen. We humbly lay before your Majesty the Act passed in the General Assembly of St. Christophers, June 18, 13 William III, *for settling H.M. part of this Island. Quote* objections of the Attorney General, *q.v.* [*Cal.*, 1702.] For which reasons we humbly offer that your Majesty would be pleased to signify your disallowance of the said Act. *Signed*, Weymouth, Dartmouth, Ph. Meadows, John Pollexfen, Matt. Prior. [*C.O.* 153, 8. *pp.* 128–130.]

Dec. 10. **34.** Minutes of Council of Barbados. Capt. Hovenden Walker, H.M.S. *Burford*, attending produced his order relating to the forces under his convoy, and then moved this Board that the sick men might be brought on shoar and taken care of; that the land forces might likewise be brought on shoar and encampt, having tents for that purpose, and that they should be supplied with provisions from the ships; that some of the ships under his command might be sent down to lie off Martinico, to keep out their privateers and other vessels from going in there; that some small vessels might be sent with them to cruise; that notice be sent to Col. Codrington of the arrival of our forces here. All wch. proposals were agreed to. Ordered that the forces be encamped on the land of Judge Buckworth, who offered the same for this service.

Proclamation ordered prohibiting the selling of rum etc. to the soldiers.

The Hon. Samuel Cox, who had undertaken to advance money for the sick and wounded seamen, said that it was impossible to take due care of them at 7*s*. per week, everything being extraordinary dear here, and prayed leave to advance 3*d*. more per week for each man. Ordered accordingly.

The President acquainted Capt. Walker that he was informed Lt. Cæsar Brooks (who had killed Major Wm. Edwards on shoar) was on board his ship, notwithstanding a warrant issued for apprehending him. He answered that he had kept him close prisoner, and he should be forthcoming when demanded for his trial.

Mr. Hart and Mr. Roberts attending with the Articles that are agreed on between the Governors of Martinico and this Island, said that they had brought up all the English prisoners, and that the French had sent up a sloop to carry down the French prisoners that are here.

Ordered that the French Flag of Truce have his dispatches forthwith to return with the French prisoners to Martinique. [*C.O.* 31, 6. *pp.* 320–322.]

Dec. 10. **35.** Minutes of Council of Bermuda. H.M. Order about Col. Day read. Whereupon it is the unanimous opinion of this Board that all due obedience be paid to the said Order, and that it be left in the Secretary's Office, and copies given, if desired.

H.M. Order for continuing the use of the Public Seal, read.

Ordered that the Secretary write to the Collector of Carolina to return a copy of the clearings of the *Shadow* from this place, and under what circumstances she came.

A protest from Mr. Larkin against the Governor and Council's proceedings in putting off an Admiralty Court, Sept. 30, for denying copies of Minutes, taking affidavits in his absence, and against H.E. for imprisoning and detaining him [*read*].

It is the opinion of this Board that the Governor may grant out Commissions for privateers or others against H.M. enemies. [*C.O.* 40, 2. *p.* 52.]

Dec. 11.
Port Royal in Jamaica.

36. Capt. Summers to the Earl of Nottingham. *Reports* delivery of pacquets at Barbados and Jamaica, after an engagement with a privateer at Martinico about 10 leagues off Barbados. *Signed*, Robt. Summers. *Endorsed*, R. Feb. 6, $170\frac{2}{3}$. *Addressed and sealed*. $\frac{1}{2}$ *p*. [*C.O.* 137, 45. *No*. 33.]

1702.
Dec. 11.
Whitehall.

37. Council of Trade and Plantations to the Earl of Nottingham enclosing two Addresses from the Inhabitants of New York to be laid before H.M. *Signed*, Weymouth, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *p.* 246.]

Dec. 11.
Admiralty Office.

38. J. Burchett to William Popple. Enclosing petitions. "Since they very much differ in their proposals, H.R.H. desires that the Lords Commissioners for Trade will consider thereof and let him have their opinion" *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. Read Dec. 14, 1702. 1 *p.* *Enclosed*,

38. i. Petition of Merchants, trading to Virginia and Maryland, to H.R.H. George Prince of Denmark, Lord High Admiral. We unanimously concur with Governor Nicholson's opinion that the fleet from Virginia ought not to be detained there longer than March or April, in order to avoid sickness of men occasioned by the summer season, and damage to their ships by the eating of the worms, several instances of which we have fresh before us. In order to put this good proposition into practice, we offer, that the properest time for the fleet to go from hence is in June, or July at furthest, yearly during the war. And since by the late arrival of our fleet, which will not be all unloaden until near Christmas, should we be directed to send them out again, we cannot make them ready before March or April, and then we should not only fall into all those inconveniences, which the Governor hath so wisely endeavoured to avoid, but contravene the Government in its demands for men the next summer service. And that all traders to that Colony may be put upon a level, that next June or July may be the time proposed for our fleet to sail, for by this means we shall come into a proper course of trade during this war; and that the traders, who for the publick interest are conformable hereunto may not be surprized and undermined by any who by entering their ships to other places, may go to Virginia and Maryland to lade, we pray that the Governors of Virginia and Maryland may be directed to imbarge all such ships whose clearing in England shall not be dated before your Royal Highness's Resolution, until the Fleet from hence may arrive there, that they may come home with convoy together. Oct. 23, 1702. 12 *Signatures.* 3 *pp.*

38. ii. Petition of Merchants of London trading to Virginia and Maryland to H.R.H. George Prince of Denmark. There are now about 80 sail of merchants' ships in Virginia and Maryland, as also several others fitting out for the said places, for the security whereof we humbly pray that a convoy may be appointed to depart England by the last of January with orders to bring home all such ships as shall be loaden in the said Plantations by June 30. If any should not be then

1702.

ready, that some of the men-of-war may have Instructions to stay for them till Aug. 14, or that directions may be given the Governors that no ships be detained there by embargo. 22 *Signatures.*

38. iii. Petition of London Merchants trading to Virginia and Maryland to the Queen. *Duplicate of No.* i., *supra. Concludes*:—We would most humbly pray that the Governors of Virginia and Maryland may be directed to embarg all such ships who shall not be cleared to sail by the 25th of March, in order to oblige them to come home with the next convoy. Nov. 3, 1702. 12 *Signatures.* 2 *pp.* [*C.O.* 5, 1313. *Nos.* 4, 4. i.–iii.; *and* 5, 1360. *pp.* 329–336.]

Dec. 11. Whitehall. **39.** Journal of Council of Trade and Plantations. Letter to Lord Nottingham, signed.

Copies of Commissions for Major Ingoldsby, to be Lieut.-Governor of New York and Lieut.-Governor of New Jersey, read. [*C.O.* 391, 15. *pp.* 317; *and* 391, 96. *No.* 200.]

Dec. 11. Martinique. **40.** Copy of the Cartel settled between Barbados and Martinique for restoring the prisoners on both sides. All French prisoners brought into Barbados shall be sent into Martinique when they amount to 25 or more, and English subjects brought into Martinique sent to Barbados similarly. Prisoners to be well provided for in the meantime. The English of Antegoa, Nevis, and Jamaica shall not be comprehended in the present Treaty, and if the French detain the English who belong to the other governments prisoners, no breach of the present Treaty shall be imputed. The Flags of Truce which shall be sent from one another for the transportation of prisoners, or other affairs relating to the interest of each government, shall not be stopt or detained upon any pretence whatsoever, but shall be dispatched forthwith and the officers therein have liberty to depart when they shall think fit. The present Treaty shall be ratified by the French and English Governors respectively on their arrivals, and afterwards sent to His Most Christian Majesty and the Queen of England for their approval. *Signed*, W. Hart, Wm. Roberts. *Given in French and English.* [*C.O.* 319, 1. *pp.* 135–140.]

Dec. 12. New York. **41.** Governor Lord Cornbury to the Council of Trade and Plantations. Since I answered your Lordships' letter of July 14, yours of July 16th came to my hands. *In reply*: For some time after my coming hither, I heard that Capt. Nanfan had made a very odd bargain with Col. D'Peyster, about 500*l.*, for which I was told that he had drawn bills upon the Treasury in England. I asked him about it. He told me Mr. Romer wanted money to go on with a stone fort at Albany, and that he had taken up some money here, and had drawn bills upon the Lords of the Treasury for it according to directions received from your Board. I found he was unwilling to give me so full an account of that

1702.

matter as I could wish, soe I prest him noe farther at that time, but upon inquiry elsewhere I found the bargain to be thus:—Col. D'Peyster was to have bills from Capt. Nanfan for 500*l.* sterl., for which D'Peyster was to pay down immediately 200*l.* currant money of New York, and when the bills were accepted and paid in England, then D'Peyster was to pay down 300*l.* more currant money. The 200*l.* was delivered to Romer, and has been since employed in the beginning of a fort at Albany. I doe assure you that noe such bills shall be drawn by me for the future, and I look upon it as one of the greatest misfortunes that could befall me that I did not receive your orders sooner, because I should then have drawn noe such bill at all, whereas upon finding the necessity of carrying on the Fort at Albany, I did draw bills upon the Commissioners of the Treasury (not knowing that my Lord Godolphin was Lord High Treasurer) for 376*l.* sterl., for which bills I have received 500*l.* currant money of New York. If in this I have done amiss, I hope your Lordships will believe it only my zeal for the service that made me doe it, and indeed if I had not found orders for drawing, and those orders not contradicted, I should not have presumed to draw at all, but for the future, I shall expect your directions, and intreat your favourable interpretation for what I have done. As for a survey of the fortifications in this Colony, I refer you to my letter of Sept. 24th, by which you will see how much this poor Province wants the assistance of H.M. favour, espetially considering that I find this Province near 10,000*l.* in debt, abundance of warrants standing out against the Government and not one farthing of money in the Commissioners' hands to pay those debts, and what is very unhapy for me, is, that this is our condition at the beginning of a war. *Signed,* Cornbury. *Endorsed,* Recd. Feb. 5th, Read March 8. 170⅔. *Holograph.* 3 *pp.* *Enclosed,*

41. i. Abstract of preceding. ¾ *p.* [*C.O.* 5, 1048. *Nos.* 3, 3. i.; *and* (*without abstract*) 5, 1119. *pp.* 407–411.]

Dec. 12.
New York.

42. Governor Lord Cornbury to the Council of Trade and Plantations. Your letters etc. of July 14, came safe to my hands by the way of Boston, on the 5th instant. I assure you I have always sent duplicates of mine, and shall continue to doe, by the next opportunity, but few ships go directly from this port to England, so that I must depend chiefly upon the Boston and Philadelphia posts for conveying my letters to such ships as may be going to England, and sometimes both those conveyances fail. I have very heartily aplyed myself to the work [*of composing the heats and animosities of the Province*], and shall continue using my utmost endeavours for the attaining the good end that all honest men here desire. I am very sure I have espoused neither party any farther than the Queen's service and Justice has obliged me to doe; and indeed this Justice I must doe to the English, the generality of the French, and most of the considerable men among the Dutch (who are the people that have been oppressed these last four years) that they have behaved themselves with great moderation, considering the

1702.

great injuries many of them had suffered. I am afraid there are some men in the other party who are not to be prevailed with by reason; they have been so bewitched by Atwood and Weaver, that some of them yet say openly that it will be their turn again shortly, and that as soon as Atwood and Weaver arrive in England, they will be justified in all they have acted here; this being positively asserted by some of the chief men of that party hinders some of the more ignorant of them from seeing their error, however, I hope a little time will open their eyes; one of the things which has the most buoyed up that party (I mean Leisler's faction) is the Act of Parliament passed in England 1695, for reversing the attainder of Jacob Leisler, by which Act they pretend that Leisler was intituled to the Government of this Province by an Act of General Assembly, and that he was since confirmed in the same by the late King's letter, July 13, 1698; but the persons that solicited that Act in England had not ingenuity enough to acquaint the two Houses of Parliament that the Assembly which gave him that authority was an Assembly called by himself after he had by violence disposest the King's Lieutenant-Governor that then was, soe that the authority he claimed was derived from a body of men authorised by himself, who had noe power to call them together, consequently an illegal Assembly, and I conceive no illegal Assembly can grant a lawful authority. I am convinced that the aforementioned Act of Parliament is the main foundation that faction builds upon, and I do really believe that if an Act of Parliament were passed in England to explain that Act of 1695, it would contribute more to the quieting the disturbances here then anything else can doe, for till then, they say that Leisler was a lawful Governor, and that the Parliament of England have declared him soe; though I am pretty well assured that the Parliament of England certainly intended not to justifie the plain open rebellion of the father, but only to do an act of favour to the son, who was not guilty of the father's crime; but another use has been made here of that Act. *Refers to previous enclosures.* Mr. Attorney General Broughton was not actually suspended, but I think worse used, for he was left in the possession of his place, but was suffered to do no businesse in it, for Mr. Weaver was made Solicitor General, and all references that ought properly to have been made to the Attorney General, were made to the new Solicitor. However, I have acquainted him with H.M. favour to him, and he has desired it may be recorded in the Secretary's Office, which is done. I have received the cloathing sent over by Mr. Champante, and indeed they came very seasonably, for our men were perfectly naked, and the weather began to be very cold. Mr. Champante did not think fit to consign the clothing to me, but to Capt. Nanfan; he has not sent over any account of what the clothing amounts to; he has sent no invoice, but only a scrap of paper with the numbers and marks of the parcels. I dare assure you he has sent the worst cloathing that ever was put upon souldiers' backs. I have seen a great deal of clothing in my time, but I never saw so

1702.

bad in my life. I sent for some of the chief merchants here to see them, and they are all of my mind. I have ordered one whole cloathing to be sent over to my Agent, Mr. Thrale, to be laid before your Lordships, and likewise an estimate made of it by several of the ablest merchants here, by which you will best see how Mr. Champante has used us. Besides, he has sent us noe watch-coats, without which there is noe living for a centry here, besides he has sent noe swords nor belts, nor daggers, nor buckles for shoes, and yet I hear he calls this a double clothing. *Signed*, Cornbury. *Endorsed*, Recd. Feb. 5th, Read March 8, 170⅔. *Holograph.* 4 *pp.* *Enclosed.*

42. i. Abstract of preceding. 1¼ *pp.*

42. ii. Estimate made by some merchants of New York of the clothing sent over for the soldiers of New York. Nov. 4 1702. *Signed*, C. Woolley, James Weems, Mathew Shanke, John Riggs, John Person, Caleb Cooper, John Barbarie, Matthew Ling, Benj. Aske, Richd. Willett, P. Fauconnier. *Endorsed*, Recd. Feb. 5th, 170⅔. 3¼ *pp.* [*CO.* 5, 1048. *Nos.* 2, 2.i., ii.; *and* (*without enclosures*) 5, 1119. *pp.* 401–407.]

Dec. 12.
New York.

43. Mr. Broughton to the Council of Trade and Plantations. Expresses his gratitude for their Lordships' so great concern for him. My dutiful behaviour to the late Lieut.-Governor kept me so well in his favour that he did not suspend me from my office or salary, though in my own hearing at the Council Board the latter was, upon occasion of my opinion only, in great heat and passion moved against me by the then Chief Justice Atwood. But I could not have supported myself many days longer, had not the most happy arrival of H.E. brought deliverance to the Province, etc. So great and good a change is wrought amongst us since H.E.'s arrival, that the magistracy here hath now put on so sweet a face and countenance towards us, as gives us all hopes of safety and protection. *Begs that* his Commissions of Attorney and Advocate General may be renewed etc. *Signed*, Sa. Sh. Broughton. *Endorsed*, Recd. 1st, Read April 5, 1703. *Holograph.* 2½ *pp.* [*C.O.* 5, 1048. *No.* 4; *and* 5, 1119. *pp.* 453–456.]

Dec. 13.
New York.

44. Mr. Broughton to Mr. Popple. *Refers to the renewing of his Commission etc.* *Signed*, Sa. Sh. Broughton. 2 *pp.* [*C.O.* 5, 1048. *No.* 5; *and* 5, 1119. *pp.* 457, 458.]

Dec. 14.
Admiralty Office.

45. J. Burchett to William Popple. *Enclosing* petition of Virginia Merchants. *Signed*, J. Burchett. 1 *p.* *Enclosed*,

45. i. Memorial of Merchants trading to Virginia and Maryland. *Refer to Petition, Dec.* 11, *No.* i. *Pray that* "We may not be disappointed of a sufficient convoy for our intended fleet, of which a list is annexed." Dec. 14, 1702. 30 *Signatures.* 1 *p.* *Annexed.*

45. ii. List of ships now at home, belonging to the Trade of Virginia and Maryland, intending for the fleet to sail,

1702.

July 1st, 1703. *Names of* 65 *ships.* Besides, we expect above 20 sail home to sail with the above, or must hire other ships to make up the complement of 80 sail. 1 *p.* [*C.O.* 5, 1313. *Nos.* 5, 5.i., ii.; *and* 5, 1360. *pp.* 330, 336–339.]

Dec 14. Whitehall. **46.** Earl of Nottingham to the Council of Trade and Plantations. I have laid before the Commissioners of Council the Addresses from New York, and I am to desire you, if you have any accounts of the proceedings of Mr. Atwood and Mr. Weaver, to transmit them to me, or, if not, that you will let me know when any such come to your hands. *Signed,* Nottingham. *Endorsed,* Recd. Read Dec. 15, 1702. 1 *p.* [*C.O.* 5, 1047. *No.* 80; *and* 5, 1119. *pp.* 248, 249.]

Dec. 15. **47.** William Penn to [? *the Council of Trade and Plantations*]. Honble. Friends. I herewith send you the Body of the Laws I promest, and pray their speedy refrence to the Attorney or Solicitor Generall's perusall and report. I also begg the year's approbation may be from the day of its arrivall, or the time may happen to be half expired before it comes to hand, and you will oblige Your Faithfull Friend to serve you, Wm. Penn. *Endorsed,* Recd. 16th Dec., 1702. *Holograph.* 1 *p.* [*C.O.* 5, 1262. *No.* 13; *and* 5, 1290. *pp.* 279, 280.]

Dec. 15. Whitehall. **48.** William Popple to Mr. Thurston. *Enclosing* for his particular reply against Friday morning, the following account. [*C.O.* 195, 3. *p.* 125.]

[Dec. 15.] **49.** Account of 57 days' pay due to Capt. John Powell and disbursements made by him for H.M. service in Newfoundland. *Total,* 224*l.* 8*s.* 10*d.* *Signed,* Jon. Powell. *Endorsed,* Recd. Read Dec. 15, 1702. 1 *p.* [*C.O.* 194, 2. *No.* 88; *and* 195, 3. *pp.* 124, 125.]

Dec. 15. Whitehall. **50.** William Popple to Mr. Champante. The Council of Trade and Plantations having perused the letter from Capt. Nanfan, relating to the arrests that have been laid upon him at New York, desire you to lay before them a stated account of the subsistence money received for the four companies there from the time that you have been Agent to the Earl of Bellomont till the time of the Lord Cornbury's arrival in that Province. [*C.O.* 5, 1119. *pp.* 251, 252.]

Dec. 15. Whitehall. **51.** William Popple to Mr. Thrale. The Council of Trade and Plantations desire you to lay before them an account of the subsistence money that has been returned to the Lord Cornbury for the four companies at New York, with a state of their account. [*C.O.* 5, 1119. *p.* 251.]

Dec. 15. Whitehall. **52.** William Popple to Micajah Perry, desiring his attendance on the Board to-morrow. [*C.O.* 5, 1360. *pp.* 339, 340.]

1702.
Dec. 15.
Whitehall.

53. Journal of Council of Trade and Plantations. Letter from Capt. Nanfan, Oct. 5, read. Thereupon ordered that the Secretary write to Mr. Champante and Mr. Thrale for accounts. Two letters from Mr. Burchet, Dec. 11 and 14, with enclosed petitions, read. Ordered that Mr Perry, one of the chief petitioners, have notice to attend the Board, together with others concerned with him, to-morrow.

Capt. Powell laid before the Board an account of 57 days' pay due to him, and of disbursements made by him for H.M. service in Newfoundland. Ordered that a copy be sent to Mr. Thurston, Agent for the soldiers there, for his particular answers against Friday morning next.

Letter from the Earl of Nottingham, desiring that any accounts of the proceedings of Mr. Attwood and Mr. Weaver, received by this Board, may be transmitted to him, read. Ordered that the papers relating thereunto be laid before the Board to-morrow.

Dec. 16. Ordered that Sir Richard Levit and others concerned with him, as likewise Sir Wm. Dane, Mr. Clayton, Mr. Burridge, and Mr. Johnson, have notice to attend the Board to-morrow in relation to the convoy to be sent to Virginia and Maryland.

Ordered that Mr. Champante and Mr. Thrale have both of them notice that the accounts desired from them are to be of all money received by them, as well pay as subsistence of the 4 companies at New York, or otherwise, as also of the cloathing during their Agency.

Sir William Phippard, Mr. Perry, Col. Parks and divers other persons concerned in the Virginia trade, attending in reference to their petitions, these were read. They declared that they departed from their first desire of having any embargo laid upon ships in Virginia and Maryland by the Governors of those countries, and that they had nothing to object against the sending a convoy thither in January or February next, as desired by others, to bring home the ships that are there or that may be ready to sail from hence with the said convoy; only they insisted that, if such convoy be sent (to) [? *it*] may not hinder their having another convoy of 4 or 5 men-of-war to part from hence in July next with the ships that may be then ready, which they said would be the much more considerable Fleet, and carry with them great quantities of English manufactures necessary for the subsistence of the country which cannot possibly be sooner ready, and that this convoy desired by them may remain in Virginia during the winter and return home in the Spring. They were told that their Lordships would hear the other side to-morrow, and both together on Friday.

The Secretary, by order of the Board, writ to Mr. Burchet, to desire to know what probability there is of any accidental convoy from the West Indies to call at Virginia and bring home the ships that may be there, and further to desire that Col. Nicholson's letter to the Earl of Nottingham, which gave occasion to those petitions, may be communicated to this Board.

Dec. 17. The draught of a Charter lately received from Mr. Wharton to incorporate Sir Matthew Dudley and others for bringing

1702.

Naval Stores from New England was read. Letter writ by the Secretary to Mr. Wharton.

Letter from Mr. Burchet, Dec. 16, with enclosed petition, read.

Mr. Richard Levitt, Mr. Yates, Mr. Clayton, Mr. Johnson, Mr. Haistwel, Mr. Hately, and others concerned in the Virginia Trade, attending according to appointment, insisted upon their desire that a convoy (which they now proposed might consist of 5 men-of-war) may be ready to sail out of the Downes before the last of January, and take along with them such ships as shall be then ready to sail for Virginia and Maryland, with directions to stay there till the end of June or 10th of July at the very furthest ; and as for the convoy desired by Mr. Perry and others petitioning with him, to sail in July, these Gentlemen declared that they are not against another convoy, but that in their opinion July would be a very improper season ; and all agreed that October would be the most fit time for the setting out of their ships yearly, so long as the war shall last. As for stopping the ships in Virginia and Maryland that may not be ready against the time appointed for the convoy's return, until the opportunity of some other convoy present, they did not all of them agree in that point, but the greatest part of them submitted to it as reasonable. After which they were acquainted with their Lordships' resolutions [*to*] hear both them and the other petitioners together to-morrow in the afternoon, and desired to attend accordingly.

Papers relating to Mr. Attwood and Mr. Weaver were laid before the Board and a letter writ to enclose theirs to Lord Nottingham. Mr. Hoskins acquainting the Board that he is appointed Attorney General for Jamaica, and offering his service in what their Lordships might think fit to command him there, he was desired to bring hither a copy of his Commission or Patent.

Letter from Mr. Penn, enclosing the body of the Laws of Pennsylvania etc. read. [*C.O.* 391, 15. *pp.* 318–327 ; *and* 391, 96. *Nos.* 201–203.]

Dec. 16.
Whitehall.

54. William Popple to Josiah Burchett. The Council of Trade and Plantations desire to know what probability there is of any accidental convoy from West Indies to call in at Virginia and convoy home the merchant ships that may happen to be there. [*C.O.* 5, 1360. *pp.* 340, 341.]

Dec. 16.
Admiralty Office.

55. J. Burchett to W. Popple, enclosing for the consideration of the Council of Trade and Plantations, the following petition, "received this morning." *Signed*, J. Burchett. *Addressed.* ½ *p.* *Enclosed*,

55. i. Petition of Merchants trading to Virginia and Maryland from the Ports of Bristol, Exon, Chester, Liverpool, Whitehaven, Barnstable, Biddiford, Bridgewater, Lime etc., to H.R.H. the Prince of Denmark, Lord High Admiral. There are now about 80 sail of merchants'

1702.

ships in Maryland and Virginia, as also several others in the Ports abovesaid ready and now fitting out for the said places. *Pray for* a convoy to depart England by the last of January, with orders to bring home all such ships as shall be there loaden by June 30. And in case any ships should not then be ready to come for England, we pray that one or more of the men-of-war may have Instructions to stay for the said ships till Aug. 14, or that directions may be given to the Governors of those Colonies that no ship be detained thereby. 13 *Signatures. Endorsed,* Recd. Read Dec. 17, 1702. 1 *p.* [*C.O.* 5, 1313. *Nos.* 6, 6.i.; *and* 5, 1360, *pp.* 341, 342.]

Dec. 16. **56.** Minutes of Council in Assembly of Barbados. Col. Bristow and other officers of the land forces attending, said that it would be very prejudicial to the men to be encamped in this Island, and desired that they might be billeted or some other way provided for, until they receive orders from England. They were answered that the same should be recommended to the Assembly.

Some of the forces being arrived which were mentioned by the Earl of Nottingham's letter, this Board are of opinion that it is proper to shew the same to the Assembly, that they may consider thereof and provide men accordingly.

Petition of Richard Baynes for money for maintaining three French prisoners recommended to the Assembly.

Richard Baynes paid for cleaning and keeping the house in James Fort.

Joint Committee appointed to provide for the reception of the Governor and the Earl of Peterborough.

The Assembly attending, the President proposed to them to provide a Law for quartering the land forces, and delivered them Lord Nottingham's letter of Oct. 7, and enjoined them to be as secret as possible. He referred to the reception of the Governor, and said that it was usual for him to be maintained at the public charge till a house was ready for his reception. He said that there was a necessity for a small vessel to be always ready to send for, or give intelligence as occasion shall require, and that Col. Codrington have notice of the arrival of the forces here; that care be taken to fit out the *Larke* brigantein again, and that the men be paid off for their last cruise. He acquainted them that the Hon. Samuel Cox had above 300 sick seamen to take care of; that he had several orders on the Treasurer for money, but could not get them paid, without which he was not able to continue providing for them any longer, and therefore desired those orders might forthwith be paid. The Assembly withdrew.

Petition of Samuel Cox referred to the Assembly.

The Assembly returning, proposed the following answers to above suggestions: (1) That if the officers shall think fit, the land-forces now imported may be lodged in the several forts,

1702.

and they may be maintained out of the Queen's stores imported in the several ships, for that by reason of the extraordinary scarcity of all sorts of provisions, as well salt as fresh, this Island is altogether incapable to furnish them with provisions, without recruits shall happen to be speedily brought in. That the Speaker desire the President and Council to make application to the proper officers for the prevention of all mischiefs by the soldiers injuring one another, as well as poor people travelling on their lawful occasions, that all the private sentinels do leave all their arms on board the respective ships in which they were imported. (2) That accommodation be prepared for the reception of the Governor etc. not exceeding 100*l.* sterl. and that the President and Council appoint Commissioners to provide the same. (3) That a small vessel be taken up for sending intelligence to General Codrington of the state of our present affairs.

The Speaker said they had considered the Earl of Nottingham's letter but had nothing to offer on that occasion, and added that care is taken for fitting out the brigantine *Larke* and paying off the men by a Bill for that purpose; also that their House had agreed to buy up certain stores for the reception of the Governor. Ordered accordingly. [*C.O.* 31, 6. *pp.* 322–328.]

Dec. 16. **57.** Journal of Assembly of Barbados. The House met by special summons from the President. Some absentees were fined. *See preceding abstract.* Resolved that a Bill be prepared embodying the resolutions of the House *given in preceding*, and that the power given to the former Commissioners for taking up vessels of war cease.

Address for the payment of 1,300*l.* sterl. to Capt. Thomas for the loss of the *Madeira* passed. [*C.O.* 31, 7. *pp.* 13–16.]

Dec. 17. Admiralty Office. **58.** J. Burchett to Mr. Popple. *In answer to preceding.* Orders are given to the *Southampton*, which now attends on Virginia, to repair to England with the Trade ready to accompany her from thence, and that there is not a prospect of any other convoy till such times as those ships arrive which shall be sent from hence. *Signed,* J. Burchett. *Endorsed,* Recd. Read Dec. 18, 1702. 1 *p. Enclosed,*

58. i. Extract of letter from Governor Nicholson to the Earl of Nottingham, relating to convoys. July 23, 1702. *Copy.* ½ *p.* [*C.O.* 5, 1313. *Nos.* 7, 7.i.; *and* 5, 1360. *pp.* 343, 344.]

Dec. 17. Whitehall. **59.** William Popple to William Wharton. The Council of Trade and Plantations having perused the draught of the Charter, desired by Sir Mathew Dudley and others for bringing Naval Stores from New England, which you lately sent me, desire you to acquaint them that not finding therein any express proposal of the sorts and quantities to be brought over in some certain limited time, nor any obligation upon the undertakers to the effectual performance of what they pretend to, as neither any provision against stock-jobbing; they do think it necessary to

1702.

have before them the proposals which those Gentlemen shall think fit to make of those kindes, before they enter into the consideration of the articles desired. [*C.O.* 5, 910. *p.* 304.]

Dec. 17. **60.** J. Thurston to Mr. Popple. Enclosing the following, "a full answer to the complaints of this year." *Signed,* J. Thurston. *Endorsed,* Recd. 18th, Read Dec. 22, 1702. *Holograph.* 1 *p.* *Enclosed,*

60. i. State of the cloathing of the Company of Foot at Newfoundland, 1698–1702, with several affidavits as to the making and dispatch of the said clothing at the direction of J. Thurston. Dec. 13, 1702. Also an Account of the subsistence sent over by the said Agent, who for his four years' work has only received 40*l.* etc. 14 *pp.* [*C.O.* 194, 2. *Nos.* 89, 89.i.; *and* 195, 3. *pp.* 130–143.]

Dec. 17. Whitehall. **61.** Council of Trade and Plantations to the Earl of Nottingham. *Enclosing* papers relating to Mr. Atwood and Mr. Weaver. *Signed,* Weymouth, Rob. Cecill. Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat Prior. *Annexed,*

61. i. List of papers referred to. [*C.O.* 5, 1119. *pp.* 252–254.]

Dec. 17. Whitehall. **62.** William Popple to John Champante. The account the Council of Trade and Plantations desire of you [*Dec.* 15] is not only of the subsistence money for the soldiers at New York, but also of their pay, and of all other money whatsoever that has been received by you for the service of the Crown during the government of the Earl of Bellomont and of Capt. Nanfan, and also of the cloathing provided and sent for them during the same time. [*C.O.* 5, 1119. *pp.* 254, 255.]

Dec. 17. Whitehall. **63.** William Popple to Mr. Thrale. The account the Council of Trade and Plantations require of you [*Dec.* 15] is of all money received by you for the service of the Crown and of the cloathing, provided and sent for the soldiers, *as preceding,* since the Lord Cornbury has been constituted Governor. [*C.O.* 5, 1119. *p.* 255.]

Dec. 17. **64.** J. Thurston to William Popple. Enclosing comments upon Capt. Powell's demands; only two of the articles in any way concern the Agent. *Signed,* J. Thurston. *Endorsed,* Recd. 18th, Read Dec. 22, 1702. *Holograph.* 1 *p.* *Enclosed,*

64. i. Mr. Thurston's answer referred to in preceding. Dec. 18, 1702. *Signed,* J. Thurston. 5 *pp.* [*C.O.* 194, 2. *Nos.* 90, 90. i.; *and* 195, 3. *pp.* 126–130.]

[? Dec. 17.] **65.** Saml. Allen to the Council of Trade and Plantations. Statement of Claim and Petition as *in following.* *Signed,* Saml. Allen. *No date or endorsement.* 5 *pp.* [*C.O.* 5, 862, *No.* 140; *and* 5, 910. *pp.* 323–330.]

1702.
Dec. 17.
St. James's.

66. Order of Queen in Council. *Referring* Petition of Samuel Allen to the Council of Trade and Plantations to examine and report upon. *Signed,* John Povey. *Endorsed,* Recd. 24th, Read Dec. 31, 1702. *Annexed,*

66. i. Petition of Samuel Allen to the Queen. *Repeats* claim to the Proprietorship of New Hampshire through the title of Robert Mason. *Prays* H.M. to direct the Governor to permit petitioner to have and enjoy the waste and unimproved lands therein. *Copy.* 2 *pp.* [*C.O.* 5, 862. *Nos.* 139, 139. i.; *and* 5, 910. *pp.* 318–322.]

Dec. 17.
St. James's.

67. Order of Queen in Council. Upon Representation of Dec. 3, approving Act of New Hampshire accordingly. *Signed,* Edward Southwell. *Endorsed,* Recd. 20th, Read March 23, 170⅔. 1 *p.* [*C.O.* 5, 863. *No.* 7; *and* 5, 910. *p.* 443.]

Dec. 17.
St. James's.

68. Order of Queen in Council. Approving Representation of Dec. 8 (*q.v.*) and affirming the judgment given in the Superior Court of Judicature in New Hampshire, Aug. 3, 1700; but, in regard the said Judgment is not final in its nature, *ordered* that the Appellant be left at liberty to bring a new action in ejectment in the Courts in New Hampshire in order to try his title to the Propriety of the Lands in question, or certain Quit-rents payable out of the same, and that, in case upon such trial any doubt in Law shall arise, the Jury be directed to find the matter specially, that is what title the Appellant and Defendant do severally make out to the said lands in question, and that the point in law be reserved to the Court before whom the same shall be tryed, or if upon such tryal any doubt shall arise concerning the evidence given at such tryal, such doubts are to be specially stated and taken in writing, to the end that in case either party shall think fit to appeal to H.M. in Council, H.M. may be more fully informed in order to a final determination of the case, and the Governor or Lieut.-Governor and Council and all other persons whom it may concern are to take notice hereof and to govern themselves accordingly. *Endorsed,* Recd. 15th, Read 18 Jan. 170⅔. 2¼ *pp.* [*C.O.* 5, 862. *No.* 138; *and* 5, 910. *pp.* 357–360.]

Dec. 17.
St. James's.

69. Order of Queen in Council. Repealing the Act for settling St. Christopher's in accordance with Representation of Dec. 10. *Signed,* Edward Southwell. *Endorsed,* Recd. Read Jan. 4, 1702. 1¼ *pp.* [*C.O.* 152, 5. *No.* 15; *and* 153, 8. *pp.* 131, 132.]

Dec. 17.
Whitehall.

70. Council of Trade and Plantations to the Earl of Nottingham. In answer to your letter of Dec. 14, we enclose papers relating to Mr. Atwood and Mr. Weaver. *Signed,* Weymouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 *p.* *Enclosed,*

70. i. List of papers referred to above. 2½ *pp.* [*C.O.* 5, 1084. *No.* 12, 8.]

1702.

Dec. 18.
Whitehall.

71. William Popple to Josiah Burchett. The Council of Trade and Plantations will be able in two or three days to form a Report upon the Petitions relating to the Virginia and Maryland Trade; they therefore humbly offer to H.R.H. that the Orders going to the *Southampton* now in Virginia may be respited until that time. [*C.O.* 5, 1360. *p.* 346.]

[Dec. 18.]

72. List of London ships (37), belonging to the Trade of Virginia and Maryland that will be ready for the convoy by the latter end of January. There are besides several ships gone to Lisbone, Berbadoes, Jamaico *etc.*, which intend to load in Virginia and Maryland. The owners of sundry ships mentioned in the list designed to stay till July next, have declared that, if a convoy be ready in January, their ships shall depart therewith. *Endorsed*, Recd. Read Dec. 18, 1702. 1 *p.* *Enclosed*,

72. i. List of ships belonging to Liverpool gone and ready to sail for Virginia and Maryland. 17 ships, besides 7 now at London. 1 *p.* [*C.O.* 5, 1313. *Nos.* 8, 8.i.; *and* 5, 1360. *pp.* 344–346.]

Dec. 18.
Whitehall.

73. Journal of Council of Trade and Plantations. Letter from Mr. Burchett, Dec. 17, read. Answer returned.

Sir Richard Levett and several merchants of London together with Sir William Daws and divers other gentlemen concerned in the Virginia and Maryland trade from the western ports, on the one side, and Sir Wm. Phippard together with Mr. Peachey, other merchants of London, on the other side, attending according to appointment, both sides were heard, in relation to the sending of convoys to those parts and the return of the Trade from thence. Those joined with Sir Richd. Levit, to shew the reasonableness of their desire to have a convoy in January next, delivered in lists of ships belonging to London and Liverpool, which will be ready to sail at that time, amounting to 62, and added that there would be above 25 more from Bristol, besides several others that are already upon voyages abroad, and will repair to Virginia or Maryland to return with that convoy. Mr. Perry and those joined with him did not oppose the sending of that convoy in January; but pressed much that they may be assured of another convoy in July; whereupon the other side declared that, in their opinion, July would be a very improper season; yet both agreed that, for the future, the fittest time for the sending of a convoy yearly to those parts during the war would be about the middle of August, and to return from thence yearly in the spring. But as to the stopping of ships in Virginia and Maryland, which may not be ready to come out with the convoy from thence, until another opportunity of convoy should offer, they differed in their opinions, and did not come to any agreement about it. Their Lordships made some progress in preparing a report to H.R.H. upon it. [*C.O.* 391, 15. *pp.* 328–330; *and* 391, 96. *No.* 204.]

Dec. 21.
New York.

74. Governor Lord Cornbury to the Council of Trade and Plantations. Though I dispatcht the *Benjamin* on the 14th, yet the south-westerly winds have detained her here still, therefore I take this opportunity to inform your Lordships that this afternoon I received information from East Jersey that Col. Andrew Hamilton had very lately held a meeting or Assembly in East Jersey, which he calls the Governor of East and West New Jersey assembled in Council; in this Council so termed he has thought fit to receive several petitions and to make several orders upon them; he has ordered a tract of land be assigned to Lewis Morris, Esq., in consideration of his services when in England. And he has ordered that the Quit-rents due by Morris to the Proprietors for several tracts of land be allowed him. I am told in a day or two I shall have a full account of the whole matter. *Signed,* Cornbury. *Endorsed,* Recd. Feb. 5, Read March 8, 1702 (1703). *Holograph.* 1 *p.* [*C.O.* 5, 1048. *No.* 6; *and* 5, 1119. *pp.* 411, 412.]

Dec. 21. Whitehall. **75.** Journal of Council of Trade and Plantations. Report to H.R.H. the Lord High Admiral, relating to convoys for Virginia, was now agreed.

Dec. 22. Above report signed and sent to Mr. Burchett.

Two Memorials from Mr. Thurston laid before the Board. Mr. Thurston and Capt. Powel, attending, were called in. Capt. Powel's account was discussed with him by the Board, and observations made upon each article (*enumerated*).

Dec. 23. Letters from Lord Cornbury, Sept. 29 and Oct. 1, read. Their Lordships resolved to take these and others laid before them, Dec. 3, into consideration on the first opportunity.

Ordered that all Acts of the General Assembly of New York past during the Government of Lord Bellomont and Captain Nanfan, which have not been either confirmed or repealed by the late King or her present Majesty, and upon which the Lord Cornbury has yet made no remark, be referred to his Lordship to be considered by him in Council at New York; and that he be desired accordingly to report his own and the Council's opinion upon them.

Memorial of Richard Wibert and Shadrak Walton, read Ordered that a copy be sent to Col Dudley that he may enquire into the matter *etc.*

Memorial from Mr. Wharton, in answer to letter of Dec. 17, read. Ordered that a copy of the Maryland Act for the establishment of Religious Worship in that Province, and for the maintenance of Ministers, be sent to Mr. Eccleston and Mr. Wyoth according to their desire. [*C.O.* 391, 15. *pp.* 331–336; *and* 391, 96. *Nos.* 205–207.]

Dec. 21. **76.** Proposal for the Distribution of Prizes and Booty that shall be taken in the West Indies. H.M. to have two-thirds of the whole, except after deducting the tenths for the Lord High Admirall, of all prizes taken at sea. The remaining one-third to be divided into 16 parts, between the Admiral and General at hand equally $\frac{3}{16}$th; Vice-Admiral and other General Officers, $\frac{1}{16}$; Cols., Lt.-Cols., Majors, Capts. at Sea and Land, Lieutenants at sea and land, and Ensigns, $\frac{4}{16}$; the rest of the non-commission officers at sea and land and the seamen and soldiers, 8. *Endorsed*, Recd. from Mr. Burchett, Dec. 21st, 1702. [*C.O.* 318, 3. *No.* 6.]

Dec. 22.
Whitehall.
77. William Popple to Josiah Burchett. *Enclosing* following Report to be laid before H.R.H. *Annexed*,

77. i. Council of Trade and Plantations to H.R.H. the Lord High Admiral. Having considered the Petitions of the Merchants of London, and of the Western Ports, trading to Virginia and Maryland, and having at several times heard the said Merchants together with some planters and inhabitants of those Colonies, we humbly offer that the trade of those Colonies, as well in relation to H.M. Revenue as to the vent of the manufactures of England and the returns in tobacco, does deserve a most particular regard. And being informed that at least fourscore ships are now lying in the rivers of Virginia and Maryland, and that the like number will be ready to go out from the several ports of this Kingdom in January next, with the manufactures of England, for the present supply of those Colonies, we humbly conceive it highly requisite that a convoy of good strength be appointed to sail from the Downs by the end of January next with directions to call at the Chief Ports between the Isle of Wight and the Lands End for the merchant ships bound for those parts, and that the said convoy be ordered to return from the Cape of Virginia by the 1st or 10th day of July at the farthest bringing with them to England such merchant ships as shall be then ready to saile. This convoy the merchants concerned do desire may consist of four or five ships. And whereas some considerable merchants of London have represented to us as necessary that another convoy of the like force be sent to Virginia and Maryland about the beginning of July next with a fleet of merchant ships intended to sail about that time, for the further supplying of those Colonies with necessaries, and bringing away the product of those parts, we likewise humbly conceive such a convoy requisite for that service, to sail at that time, or at the latest about the beginning of August, and return from thence about the beginning of April following, to bring home that year's crop; which convoy may either remain in the Rivers of Virginia and Maryland, or be ordered to cruise during the winter season off of Barbados and the Leeward Islands, or elsewhere within the Tropics for the security of the Trade of those parts, in such manner as your Royal Highness shall direct. The necessary service of this year being taken care of, it will only remain that a convoy be sent from England to Virginia once a year during the war, the time of the departure whereof will be determined by your

Royal Highness as the circumstances of that trade shall hereafter require for the furnishing those Colonies with the manufactures of England, and bringing away in like manner the product of those parts, without which seasonable provision of convoys, the Colonies of Virginia and Maryland may be necessitated during the war to turn their industry from the trade of tobacco (so beneficial to England) to the producing of European manufactures, or to desert their plantations, which being of such fatal consequence to our trade, ought to be prevented by all possible means. Whatever resolutions your Royal Highness may think fit to take in this matter, it will be necessary that the same be immediately signified to the Governors of Virginia and Maryland by two advice-boats to be sent thither with the greatest speed, and that the said Governors be further enjoined by their Instructions from H.M. to take care that no ships sail out of the Capes otherwise than under convoy. *Signed,* Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1360. *pp.* 347–350.]

Dec. 22. **78.** Account of money received by Mr. Thrale on account of the Four Companies at New York, since April 1st, 1702. Recd. at Lord Ranelagh's office 2,610*l.* Remitted per bills to New York at 30 *p.c.* advance 1,950*l.* 17*s.* 6*d.* Subsistance paid to Col. Ingoldsby etc., 502*l.* 2*s.* 6*d.* By my Agency, 20*l.* 15*s.* 6*d.* As to clearings or offreckonings nothing hath bin received at the Pay Office since my being Agent to the Lord Cornbury. As to cloathing, none hath bin sent by the Lord Cornbury's Agents, but the last that went was sent by Mr. Champante, Lord Bellamont's Agent. *Signed,* Jno. Thrale. *Endorsed,* Recd. Dec. 22nd, Read Jan. 4, 1702. 1 *p.* [*C.O.* 5, 1048. *No.* 7.]

[Dec. 22.] **79.** Memorial from the People of the Bahamas to the Council of Trade and Plantations, containing Articles against Elias Hasket, their late Governor. Nassau, Oct. 5, 1701. *Endorsed,* Recd from Mr. Graves, Dec. 22nd, 1702. Read Jan. 14, 170$\frac{2}{3}$. 7 *pp.* *Duplicate of Cal. A. & W.I.* 1702. *No.* 547. [*C.O.* 5, 1262. *No.* 14.]

[Dec. 22.] **80.** Copy of Address of the People of Providence, desiring Ellis Lightwood to take the Government upon him in the room of Capt. Hasket. 120 *Signatures.* *Endorsed as preceding.* Duplicate of *Cal. A. & W.I.* 1702. *No.* 1042, viii(*a*). 1 *p.* [*C.O.* 5, 1262. *No.* 15.]

[Dec. 22.] **81.** Account of the illegal tax of braziletta wood and other exactions and extortions imposed on several inhabitants of Providence by Capt. Hasket. *Endorsed as preceding.* 45 *items.* *Total value,* 1,193*l.* 11*s.* 6*d.* $2\frac{1}{4}$ *pp.* [*C.O.* 5, 1262. *No.* 16.]

1702.

Dec. 22. **82.** Account of Wm. Churchill the stationer. Oct. 1–Dec. 22, 1702. *Total*, 16*l*. 4*s*. 10*d*. *Endorsed*, Recd. Read Feb. 17, 170⅔. 1 *p*. [*C.O.* 388, 75. *No.* 66.]

Dec. 22. **83.** Journal of Assembly of Barbados. Lt.-Col. Thomas Maxwell was chosed Speaker. An answer to the President's late charge was agreed upon. The President asked the Representatives to wait till there was a Council, and recommended to them the care of the soldiers newly arrived. The House conferred with the superior officers of the land forces, the Speaker informing them of the readiness of this House to take all possible care for refreshing and providing for the present forces arrived, but at this time the Island was under such great necessities for want of foreign salt provisions, as well as other provisions as have been here usually produced, that it was impossible to answer their expectations in so high a measure as they desired. However, that this country may not be thought remiss in their duetye, and to manifest their willingness and hearty desires to do what possibly the Island at this time of scarcity is able for the quartering and billeting of the forces now arrived. The Officers declared that they were in very great want of provisions by reason of their being suddenly ordered into these parts on H.M. service from Cadiz without any further stores or recruits, then what was then on board, and desired the soldiers might be quartered or billeted on shoar to ayre them, and recover their healths.

Resolved, that the soldiers be billeted upon the inhabitants and that each private soldier be allowed 6*lb*. of beef or fish per week.

Dec. 23. Arrangements made for billeting the 2,800 men on the several parishes. Bill ordered to be prepared accordingly.

Petitions of Charles Thomas and Nicholas Baker referred to a Committee.

Bill for the present accommodation of H.M. forces read and passed. The House attending on the President and Council, Mr. Speaker read the answer to the charge of the President and Council, and upon their return ordered that a copy might be delivered to the Clerk of the Council, if demanded :—" T'was with no slight dissatisfaction that we heard your harsh interpretations of our well meant words and well intended actions. We presume we need not be told, for we sufficiently know and are heartily thankful for our present true English establishment, as well in Church as State, and believe therein Prerogative and Privilege are so well and wisely blended that it can neither be the true interest of the Prince or People to subvert or invade either of them, and believe also that whosoever shall endeavour to alter the present happy temperament either by carrying Prerogative higher or running liberty lower are equally enemies to our present Constitution, for if it were left to our option, wee would not have Prerogative less, because wee could not have our liberties maintained ; nor would wee have priviledge lesse because wee could not be secure from tyranny and oppression, if a bad Prince should come to the Throne, for wee are of opinion

1702.

that they mutually support and maintain each other. We question not (now) either the sincerity or diligence that your Honour or the Honble. Members of H.M. Council have used in the dispatch or promotion of things for the public good, because recrimination is not our business, but can avow with truth that the not making a quorum of our House and other quick adjournments have often been due to indeclineable circumstances. How ungrateful it was to your Honour and with what irksomness you undertook the trouble to tell us in a sett speech that we dishonoured our gracious Queen, disparaged her Government and lessened her authority, we know not, but you may be assured it was very unpleasant to us to hear, when as thro' the whole course of our lives our actions have been a continued manifesto (even to the most malicious) of our strict loyalty, and we do now declare that we abhor, detest and abjure all persons and things that look that way. We have also lookt back (according to your Honour's advice) into the past and cannot find upon the nicest scrutiny anything therein of that complexion. As to the Bill for taking up and fitting of vessels of war, we humbly conceive we shall not appear, to dispassionate and disinterested men, in those ugly colours your Honour was pleased to draw us in. After we had resolved upon taking up vessels and raising men for that purpose (which we did without the least hesitation) we fell upon consideration of ways and means, our Treasury being then altogether out of cash, in which we met with some almost insuperable difficulties, for we considered then that money to arise from any tax to be laid *de futuro* could not possibly be collected near so soon as the importunate exigence of our affair called for it, therefore thought upon giving encouragement by a Law for the present advance of money by loan for that use, pursuant to which we had conference with several gentlemen upon that subject and spent a great deal of time in persuading them to the terms (which were hard enough) mentioned in that Bill, with which we immediately waited upon your Honour in the Council Chamber, with the accustomed formalities, where our Speaker delivered the Bill and each member all the while standing and bare, which are tokens of our inferiority. Mr. Speaker did by command from the House give your Honour to understand that we could not consent to any alterations in that Bill and that it must pass as we brought it in or want the money (now your Honour may please to consider that this is a disjunctive proposition) for the speedy equipping out vessels, which if we did, the evil consequences thereon would be chargeable to your Honour, and that we must thereby be forced to dismiss the vessels, and that we would adjourn our House, having no other business of moment before us. Upon which a member of H.M. Council told us we came and popt a Bill upon them, which we took to be a treatment as unsuitable to a gentleman of his character to offer as for men in our post silently to take, and therefore by our Speaker signified the dislike of that expression, because it seemed to insinuate that we were about to use some trick or legerdemaine to betray your Honour and Council into a consent to that Bill soe formed. We can't believe that by pressing your Honour to pass that Bill without alteration, we gave the least shadow of a just suspicion that we intended to impose either upon your loyalty or understanding, or went about to usurp a dominion or superiority over you, and soe invest the order of Government. We suppose it only demonstrated the almost irresistable force we were under from the pressure of our affairs, and the inflexibility of the lenders. You may with as much truth infer that the Gentlemen we treated with for the loan were guilty of as high an usurpation upon the Assembly, for saying we must pass that Bill to their satisfaction, or want the money; that we afterwards consented to the amendments you made in that Bill, shewed evidently that it was force not choice that did before determine us. We hope to make your Honour's heavy charge against the Speaker to arise from your misprision of our meaning, and some undue and illogical inferences, the Assembly being apprised (by several) of your Honour's purpose to send a flag of truce with the French prisoners to Martinico, and that a gentleman almost unknown to most of us and a non-resident here (who is a profest Papist) was chosen for that service, we considering the evils that might probably surveen thereon, to this Island, thought it our duty to wait upon your Honour and humbly supplicate you not to employ that person in that affair, and to accept of a gentleman that we recommended; to which your Honour replied, with some seeming dissatisfaction, that you had already made some steps onward in that affair, and made some entries in the Council book, and appeared not very willing to alter your resolutions, saying, we would in a small time sue possibly for another change, and to expect upon every slight and trivial occasion to move your fixt conclusions, to which Mr. Speaker then rejoined that it could not be easily thought that whatever the whole representative body of the Island should addresse for, should be slight; that we lookt upon ourselves to be the great Council of this Island and that we were chosen by the general suffrage of the freeholders from every parish to represent them, and that we were as watchmen set to observe carefully any danger tho' distant, that seemed to threaten this people, and humbly to admonish (or if that would displease) to advertise you thereof that you might timely provide against it.

Now we conceive that your Honour is well pleased with our appearance before you as supplicants to prevent a further danger to the inhabitants, whom we represent, therefore conclude you lay the whole stress of the charge upon asserting ourselves to be the Grand Council. To suppose us to mean by that expression that we were superior to your Honour in dignity and had a paramount to, or coercive power over you, was to think us in a lunacye, that rendered us fitter for Bedlam than an Assembly, so that we could not in a sound sense mean otherwise than that we were the Great Council in respect of numbers, in which sense we suppose that the Representative body of the people of England in the House of Commons are often called the Great Council of

1702.

the Nation, and in this sense also, for other construction it will not bear, we may say without being thought disaffected to the present establishment, that of the two Houses of Parliament, the lower is the greater. That we are a Council, we presume will be allowed, because your Honour's writ calls us to advise etc. Upon hearing these reasons, we expect your Honour will not think our late proceedings seem inconsistent with H.M. honour and power, or subversion of her Government or invertion of the order and regular subordination of it. Good God! Did we even so much as dream that we should be charged with want of allegiance? From the unparalleled invasion of H.M. Prerogative which you lay to our charge for equipping etc. vessels of war, we hope as fairly to clear ourselves as from the former thundring and black accusations. We must confess that the urgency of the thing, and the recess of your Honour and Council at that time, enforced us to act singly some preliminaries only in that matter, which we would not otherwise have done but in conjunction with you, or at least with your levity, if the thing would have borne delay, and for this hastye proceeding we did at our next attending your Honour show the reasons, with the which we thought you then rested well satisfied; for after that we carried on the concern jointly without any disagreement. It might be considered also that we entered upon this matter at your Honour's instance and solicitation. We acknowledge no deference due from us to H.M. Council here more than that which civil respect and reason, not duty, exact, for we are one of the constituent parts of our Legislature here, and though subordinate to, yet independent on the Council, and enjoy a negative voice equal with them. And now hope your Honour will not think that our proceedings have dishonoured our gratious Queen. The other part of our charge, viz., the neglect of the people's welfare, you deduce from two causes, our seldom making a Session of our House and our speedy adjournment when made. We cannot plead altogether not guilty, but many of our failures were due to inevitable accidents, viz., sickness, death of relations, lameness of horse etc., and you may please also to remember that our quorum is very great (15) in proportion to our number, 22. Though we confess ourselves herein in some measure faulty, and will endeavour a reformation, yet we think the reprehension a little too rough, and believe that a soft reprimand had been better, etc. The sense of gratitude for H.M. late righteous yet gratious grant for the right application of the 4½ *per cent.*, which you infer we want, we doubt not but our acknowledgments and retributions hereafter (when we know the whole of the grant) will evince us not to be faulty. We declare, as we have never yet, and religiously resolve never hereafter to attempt the least encroachment upon the prerogative of the Crown, or your Honour and Council's rights, so also we resolve zealously to maintain by all lawful means our rights and priviledges inviolate. It would seem that we are not under such an infatuation as not to know the danger of distempers in Governments and the folly of divisions and heats in Councils, for whatever our resentments were, we

1702.

have now stifled them to show that nothing shall be wanting on our part to restore a good understanding between us, which is necessary as well for H.M. honour as our safety.

Bill for raising a levy was read twice.

The House adjourned till Tuesday three weeks. [*C.O.* 31, 7. *pp.* 16–29.]

[Dec. 23.] **84.** Undertakers for raising Naval Stores in New England to the Council of Trade and Plantations. *Reply* to objections raised by their Lordships to the draught of a Charter now lying before them [*see* Dec. 17]. (1) They will raise and import masts, yards, bowspritts, pitch, tar, resin and hemp. They will import (unless prevented by inevitable accidents) two ships lading of masts, yards and bowsprits within two years after the date of their Charter, each ship to contain 300 tuns at least, and in every year afterward the same or greater quantities. The trees to be used for making pitch, tar and resin, and the ground for raising hemp requiring two years preparation at least, they will import 500 tuns of pitch, tar and resin and 500 tuns of hemp, and as much more as they can, within 3 years after the date of their Charter, and in every year after the same quantities at least, and hope to import much greater. (2) They are willing in this Charter to covenant with H.M. to import such quantities of the stores above-mentioned, which together with the stock of 20,000*l.* at least, which they have already offered to lay out within three years, will be a sufficient security for their performance of their undertaking, for when such a stock is advanced and sent to the Plantations for raising such stores, returns must be made, or that stock must lie dead there. (3) They presume your Lordships intend by preventing stock-jobbing, nothing more than to prevent the frauds practis'd in some former companies in buying and selling their stocks, which, upon a consideration of those frauds, and the nature of this undertaking, will appear not to be practicable in this Company. Those frauds, justly complained of, were practised by projectors and pretenders to new inventions, where there was no real fund, but merely an imaginary value, dress'd up and magnify'd by the artifices of the first projectors and their accomplices; but the stock subscribed and intended to be raised by the Undertakers is a real stock, and it will appear by their books what money every Member pays into stock, and what real interest he has to dispose of, so that no man who desires to buy any shares can be imposed on by the seller. The frauds themselves were practised in this manner: in making contracts for shares at three months distance at a certain price, and then raising or falling the price of their stocks to answer the profit of the contractors, by a combination with more of their Society. The Undertakers propose as an effectual method to prevent this mischief, that a clause be inserted in the Charter directing that all sales of shares shall be enter'd in the Company's books within six days after the contract made, and that the seller and buyer shall make oath before the Governor, Deputy Governor, or any two of the Assistants, who may be

1702.

impowered to administer such oath, when the contract was made, and that all other transfers shall be null and void. *Signed*, Wm. Wharton, Agent. *Endorsed*, Recd. Read Dec. 23, 1702. 2¼ *pp.* [*C.O.* 5, 862. *No.* 142; *and* 5, 910. *pp.* 311–317.]

[Dec. 23.] **85.** Richard Wibird and Shadrack Walton, Merchants and inhabitants of New Hampshire, to the Council of Trade and Plantations, Sept. 170[0]. Wibird and Walton bought of David Jeffryes, of Boston, 4 bags of cotton wool, which had been then lately imported from Barbados to Boston in the *Hopewell*, John Sunderland, Master. Upon the importation thereof, the Deputy Collector [*at*] Boston gave a certificate that the same were lawfully imported. In the same moneth said goods were sent from Boston to Piscataqua in the sloop *Speedwell.* At Piscataqua the sloop and all her lading was seized by Sampson Sheafe, Deputy Collector and Naval Officer, under pretence of not having given bond as the Act requires. Soon after, at an Inferior Court, he exhibited an information against the said goods, and notwithstanding the said certificate was produced and the sloop had only come from Boston, yet the goods were condemned as forfeited. Whereupon Wibird and Walton appealed to the Superior Court, Feb. 10, 1701, where the judgment of the Inferior Court was reversed, and a writ of restitution of the said goods ordered and made out to Sherif or Undersherif. James Levit, Undersheriff, accordingly demanded delivery of the goods, but Sheafe refusing, the Undersherif seized him, and was carrying of him to gaol, as the writ directed, but as he was so doing, called in at a house where William Partridge, Lt.-Gov., was, who told him if he would let Sheafe goe with him, he would see him forthcoming the next morning, which the Undersherif consented to do. Thereupon the Lieut. Governor took Sheafe to his house, where he tarried all night. Next day the Undersherif coming to demand his prisoner, the Lt.-Gov. told him he was none of his prisoner, and if he offered to take him, Sheafe might break his head; so that the Undersherif was discouraged and prevented from keeping Sheafe in custody, and Wibird and Walton disappointed of the benefit of the judgment of the Superior Court. When Wibird (who is now in town) came from Piscataqua, the said bags of cotton-wool were in the warehouse of the Lt.-Governor. Tho' the sloop and lading, which consisted of divers goods belonging to other persons was seized on the aforesaid pretence, yet all the said goods were discharged, except the said cotton-wool. The said Deputy Collector is considerably indebted to and under the influence of the Lt.-Governor, and so durst not deliver the goods, and the Undersherif being an officer under the Lt.-Gov. and fearful of displeasing him, and the said Lt.-Governor having conceived a great prejudice against Wibird and Walton, has occasioned this seizure and deteiner. Pray their Lordships to examine the matter and represent it to H.M. *Signed*, Richard Wibird, Shadrack Walton. *Endorsed*, Recd. Read Dec. 23, 1702. 3 *pp.* [*C.O.* 5, 862. *No.* 141; *and* 5, 910. *pp.* 305–310.]

1702.
Dec. 23. **86.** Minutes of Council in Assembly of Barbados. 279*l.* paid for matrosses' salaries to Samuel Goodwin, Gunner, of Charles Fort. Ordered that, for the future, no servant shall be employed in such service.

55*l.* paid to William Kipps, gunner of Willoughby Fort, for salary of himself, mate and one matrosse.

40*l.* paid to Richard Baynes, gunner of James Fort, for salary of himself and one matrosse.

55*l.* paid to John Karvis, gunner of Ormand's Fort, for salary of himself and two matrosses.

Petition of Lt.-Col. George Peers for payment on account of the *Constant Jane* referred to the Assembly.

84*l.* 4*s.* 9½*d.* paid to Edward Arnell for hire of men etc. for the flag of truce with the Spanish prisoners to Trinidado.

Payment ordered to the Commissioners of the Leeward fortifications, on account of John Heywood, Francis Clinton, John Merrick.

Petition of Lt. Cæsar Brooks for a trial, granted. Commission issued.

116*l.* paid to John Thomas, gunner of Orange Fort, for salary of himself and two matrosses for two years, and 180*l.* for the salary of 12 matrosses.

Petition of Sarah Leland, widow and executrix of William Leland, for 21*l.* 6*s.* 3*d.* due to him for work done on the Leeward fortifications, granted.

Petition of Margaret Stockdale, widow and executrix of George Stockdale, for 12*l.* 16*s.* 3*d.* due to him for entertaining the Commissioners of the Leeward fortifications, granted.

The Assembly attending, the Speaker presented a Bill for the present accommodation of H.M. forces arrived in the ships of war under Commodore Walker. He moved the Board that all possible care might be taken to prevent the enlisting any of the servants of this Island by the officers of H.M. forces here, and that the said forces might goe on action as soon as possible, and that some of the men of war might cruise to windward to guard the coast and protect our ships coming in. The Speaker then read a paper in answer to the President's Speech. The President desired a copy, and the Speaker replied that he must first ask leave of their House.

The President acquainted them that the Hon. William Sharpe and Patrick Mein, who had undertaken to provide for the reception of the Governor and the Earl of Peterborough, thought that 100*l.* would be too little to entertain persons of their quality, and that would reflect on themselves and the whole Island, and therefore desired that more might be allowed or themselves excused.

At a Council of War held this day by the President and Council together with the Commanders of H.M. ships of war and Officers of the Land forces, it was proposed by the President and Council that it would be for H.M. service and the protection of the Trade of this Island, that some of the ships of war now here should cruise to windward of this Island. The Officers answered they

1702.

could not hope to do the country any considerable service, they being heavy ships, unless they could be assisted with some light and nimble vessell, like the *Larke*, which they desired they might have out with them. The Board answered that she had neither men nor provisions, and that there was no money in the Treasury to equip her. They said they would acquaint the Commodore. Some time after the Council of War broke up, they did acquaint this Board that (considering what great advantage the said vessel would be in that service) they would man and victual her themselves, which the President and Council highly approving, thought fit to acquaint the Assembly therewith. The Assembly sent the following unexpected answer:—Ordered, that the brigantine *Larke* be permitted to be employed in the service of the country under the command of Commodore Walker on condition that good personal security of some of the inhabitants of this Island in 2,000*l*. sterl. be given to return her in a month in as good order and condition as she now is in, and that she shall be employed only to cruise in the latitude of this Island, for preservation of our trade, and that whatever prizes shall be taken by her, shall be to the captors' advantage wholly.

After considering of which, this Board, being fully convinced how serviceable the said vessel (which now lies useless and spoiling) may be to this Island, do desire the Commissioners to meet and let the Commodore have her for H.M. service and benefit of this Island, during their cruise to windward thereof, he manning and victualling her as before is proposed.

The Bill for the present accommodation of H.M. forces was read three times and passed. Ordered that Vestries be summoned to meet on Saturday next in order to provide for the billeting accordingly. [*C.O.* 31, 6. *pp.* 328–336.]

Dec. 24.
Bermuda.

87. Lt.-Governor Bennett to [? *the Earl of Nottingham*]. A vessel lying off this place at sea and bound to Nevis, having sent her boat in here for some refreshments, gives me this opportunity of acquainting your Lordships that I have received your Lordships' pacquetts of May 7, with H.M. Declaration of War, which I published upon receipt of the first, which was Sept. 3. But I have not any orders to proclaim the Queen, and upon consulting the Council it was thought advisable soe to doe, and accordingly H.M. was proclaimed Sept. 28. On Sept. 13 early in the morning appeared off from the west end of these islands ten French ships, two whereof stuck on the sholes, but one (contrary to all expectation) gott clear, but it's believed she sunk soon after, having leaveled the sholes for a quarter of a mile, and several pieces of her keel and sheathing have been taken up, but the other remains a wreck, and all the people that were on board (being 57 in number) came on shoar in their boats. *Depositions enclosed.* Heding was a prisoner on board and belonged to New York, to which place I sent him to acquaint my Lord Cornbury of the designs of the French. I presume your Lordship has had his account before, I having taken care to transmit it to most of the

Plantations in the West Indies, especially to every one mentioned therein.

My Lord, here is a gentleman amongst us whose name is Mr. Larkin (who was sent abroad to regulate and settle Courts of Admiralty, of whom I gave some account, Sept. 5, directed to Mr. Secretary Vernon, not knowing your Lordship had then accepted of that office). This gentleman espoused a discontented and disaffected party (viz., those persons that were employ'd in the Government in my predecessor's time), who were very troublesome to me when I first came, but in some time were all quieted till Mr. Larkin arriv'd, for after some short show of complisance, he deserted and despised me (for what reason I know not), and has constantly consulted, advised and caball'd with those people, which has made such distractions amongst us, that several of the inhabitants have resolved to leave the Island, and remove to Carolina. His pride and vanity, my Lord, has run so high as to say publickly at a Chancery Court to my face that he was equal in Commission to me, and has reported he doubted not but to turne me out of the Government and be in that post himself. He also owns that he is an opposer of Governors, Government and Country for the sake of his party, and for his personal behaviour to me, it has been soe unmannerly and with that contempt as if I had been a private man here sent under punishment from Newgate. This and more than is possible to be believed, I will acquaint your Lordship of in my next, and send sufficient vouchers with it. I know this gentleman has wrote against me by one Capt. Jones, who I found Sheriff here at my first coming, but upon many articles that were prefer'd against him by the Assembly (together with his unmannerlyness to me) I long since suspended him, since which he has been indicted and found guilty of perjury and several other crimes and misdemeanours, and is now under fines to H.M. for the same, and also is indebted by his accounts when Sherrif ; and this person also Mr. Larkin espoused, and gives him assurance of a reinstatement in his employment, and in order thereunto, and to free him from the inconveniencys he was under here, did directly contrive and assist Jones in running away with a vessel to Carolina, and I presume, before this arrives, has brought your Lordship a pacquet from Mr. Larkin. That I have here hinted att I'le make very plain (with additional crowds of complaints) in my next, and if he can be justified, as he says he's sure he shall, against all his insolences and abuses, and contemning and despising Government, by owning himself an opposer of Governour and Government, with submission noe Gentleman can come abroad in my post, unless he leaves his honour att home. What he has wrote against me, I can't imagine, but it will be very demonstrable in my next pacquet, which I am preparing, that I have given noe cause to the country to complain, but I have seen soe much of that gentleman, that he will leave nothing uninvented to hurt me. Therefore, my Lord, as I served in the Army both by sea and land all the last war and in the post I am now in I hope and think without reproach (till Mr. Larkin attack't me), soe I doubt not but upon examination to preserve a clear reputation, notwithstanding all the malice and contrivance that that gentleman and his party can invent against me, and what I humbly g[*b*]egg is, that I may not suffer in H.M. opinion, nor your Lordship's, till my letters arrive, or time given to answer what is or can be found against me ; and as to the best of my judgment I have with all diligence, fidelity and integrity discharged the trust reposed in me as Governor, soe I desire to stand any charge to the contrary, under the penalty of my life. It is very hard (my Lord) that after taking soe much pains (which I did with pleasure) to repair the fortifications (which when I came were as if demolished), and to teach the Militia the use of their arms (who are now expert) and have by my care reconciled and brought into method a people who had lived several years not only discontented amongst themselves, but frequently troubling the Lords Commissioners of Trade with their complaints, and having composed all these differences, and brought this country from a scandalous mean character abroad, to be a people of reputation amongst our neighbours ; I thought I had nothing to doe but please myself in the quiet administration of the Government from any intestine matters worth taking notice of, but instead of this I am affronted both in my public and private capacity, and, my Lord, this Gentleman's indignities have been so great, that humain nature has flown in my face for reparation ; and all he has acted (and in some cases against the Crown) he still flys to his Commission for shelter, thereby scorning and defying all Law to hurt him, to the great abuse and reproach of that Prince's favour who sent him abroad. I doubt not but Mr. Larkin has given a large account relating to the value of the French vessel that's cast away, but as to that, the Officers' depositions will show that she had nothing in her but 82 tuns of logwood, half of which I have got up by divers, and other great expenses I have been att in endeavouring to save the ship, but to noe purpose. In one of your Lordship's letters, which I recd. by the way of Carolina, Dec. 10 last, there is a paragraph that directs me to send the other letters respectively as directed, but there were none enclosed, neither did any come with it to me. Forgive me for so long imposing on your patience with my troublesome complaints, which I hope will be the easier pardoned by your goodness, if your Lordship would please to consider how absolutely necessary for my safety and defence it was, to relate something of my unhappiness ; and to have said nothing might have created a censor of my being guilty of what Mr. Larkin has sent against me, well knowing Sir Charles Hedges is the Gentleman he depends upon, at which I am not uneasy, for I am convinced of his goodness and honour, and that he will not injure me wrongfully etc. *Signed*, Ben. Bennett. *P.S.*—I presume your Lordship has heard of Admiral Benbow's being dead of his wound in the thigh. *Endorsed*, R. May 21, 1703. *Holograph*. 6 *pp*. *Enclosed*,

87. i. Deposition of the Captain, Purser and Master of the French shippe, *Jane and Cornelious*, cast away and

wrecked at Bermuda. Sworn. Sept. 21, 1702. *In answer to interrogatories by the Governor and Council.* They came from France, May 25, bound for the Havanna with two French men of war of 50 guns each and 8 store-ships for Admiral Châteaurenault, who was sent to the Havana to convoy the Plate Fleet home to Spain. They left the provisions at Havana, the Plate Fleet having departed 10 days before their arrival. There were no Naval Stores in the wreck, but for her use, and no money but what the people on board had for their private use, but 184,252*lb.* of logwood as ballast, and no other merchandize. They arrived at the Havanna Aug. 1 and left Sept. 8th, *French style.* The galloons had sailed thence July 22—there were 15 or 18 of them, 22 men of war, the Vice-Admiral [*Châteaurenault*] 72 guns, and the others 50 or 60 guns each. *Signed*, Durivage Haret, Deperigny, Helie Graton. 2 *pp.*

87. ii. Copy of preceding. 3¼ *pp.*

87. iii. Deposition of Lawrence Hedding, late mate of the sloop *Three Brothers* of New York. Bermuda, Sept. 23, 1702. March 14, on passage from Jamaica to New York in the night time fell in with the French fleet under Admiral Châteaurenault, who took the sloop, took out of her 10,096 pieces of eight etc. and searcht every individuall person on board to a great strictness. Then they took the men out of the sloop and separated them in several French vessels, except deponent, Capt. Peroe and another with several negroes, and put 10 French men on board the sloop and carried her with the fleet to the Havanna, March 29, holding them prisoners on board till July 10. Then they gave the sloop with 25 negroes and her cargo to the Spaniards. Capt. Peroe, who well understood French, informed deponent that several of the French Captains did say that as soon as the Plate Fleet arriv'd in France, the first thing they intended to act in this winter was to take Jamaica and Curaçao, and in the summer to take New York. Their design to take New York was by bringing two ships in sight only, and they'll make a waite under English colours to decoy the pilot off, and if that not succeed, then by sending boats on shore with Englishmen under English colours to take persons off to pilot them in. On July 13 the Plate Fleet departed from the Havana being 24 Spanish ships and 32 French, whereof were 16 galloons or Spanish-built ships. The Vice-Roy of Mexico in the Rear Admiral of the Spanish Fleet had on board 60 chests of gold, 600 chests of silver, besides piggs, sows [*sous* ?] and other plate on his particular account. There remains a very few vessels in the Havana, and them of little or no force; their forts or fortifications by neglect much fallen to decay; their guns many dismounted and useless, their carraidges rotten, their

1702.

guards consisting of about 50 men at most, their guns about the walls, about 15, being not in a capacity to do any damage. There is a small Fort with about 12 guns to the westward of the town about two miles, with an inconsiderable guard, another small fort to the eastward, with the like quantity of guns and guards, both easily to be surprized. An adviseable way of attacking the Havana Town is between the said Forts, there being several Bays which will admit of an easy landing. Deponent heard the inhabitants say they were very desirous that the young Emperor should come into Spain, as they esteemed that Crown of right belonged to him, and that they had rather be under the Government of the Emperor than of the French; and that they had received letters from Spain that gave an account, by the way of Carthagena, that the Dutch and English were gone to Cales with a 100 sail of men of war, 200 sail of store-ships, with 40,000 men, with horses, field pieces and ammunition for taking that place, and the Spaniard(*s*) much rejoiced at it, and hoped success, for that the Crown of Spain did not belong to the French.

About Aug. 23 arrived at the Havana from Martineco a small privateer sloop, who brought news that the English were gone with 18 men-of-war to Hispaniola, besides small vessels, and that they had taken Lugan, and had been there 10 days landed before the said sloop came to the Havana; and that Monsr. de Coist was to come General over all the Spanish Coasts, and to view all the Forts and Fortifications, and that he was to land at Cuba, near the Havana, 10,000 men, and to leave at the Havana 6 men-of-war to cruise upon the Gulf. *Signed*, Lawrence Hedding. *Copy.* 2½ *pp.*

87. iv. Copy of preceding. 2¾ *pp.* [*C.O.* 37, 25. *Nos.* 74, 74.i.–iv.]

Dec. 24. **88.** Copy of *No.* iii. *supra.* 4 *pp.* [*C.O.* 5, 1084. *No.* 5.]

Dec. 24. Bermuda. **89.** Lt.-Gov. Bennet to the Council of Trade and Plantations. *Mainly a duplicate of preceding letter to Lord Nottingham.* If it can be possible that Mr. Larkin should be justified in all his insolent practises, no gentleman can come abroad in my post, unless he leaves his honour at home. And pardon me if I presume to conclude that his late Majesty did not intend to impower Mr. Larkin to come into this Government and abuse me and everybody, neither can I believe that it is expected from me to suffer his insolences, for affronting me (especially when in the chair) is flying in the face of him that sent me. It could not be any advantage to me to differ with him, but much otherwise, for if he had held his integrity as he began, our agreement would have been of advantage to me in character when he returned home, for I am sure he saw nothing here, both in Civil and Military affairs, but what was reforming and improving. But in my opinion his show of friendship at his first coming was only to sound me, that he might the better know how to proceed for his friends he was retained for in England, I mean Col. Day and Judge Nelson. For I received him as one of my family and left nothing undone whereby to show him respect and to divert him in this poor little malancolly retirement. Therefore because he could find no just pretence to fall out, he was constrained, in order to prosecute his designs, to propose himself an open enemy, which now he is with a witness, for he publicly gives out that he doubts not but to turn me out of my Government, and come into that post himself. . . . I have been informed that when Sir Thomas Day petitioned H.M. for his son to have liberty to come home with his effects, many unkindnesses were alleged that he had received from me, and that Col. Day was a close prisoner all that time ; all which is upon my word directly false, for I never denied him anything that I could justifiably grant, neither was he ever a close prisoner, for when action was taken out against him (which I could not contradict) the Marshal by my order acquainted me, and time given him to find bail. I beg that I may not suffer in your Lordships' opinions till I have time to clear myself. *Signed*, Ben. Bennett. *Endorsed*, Recd. 21st, Read May 27, 1703. *Holograph.* 7 *pp.* *Enclosed*,

89. i. Abstract of preceding. $2\frac{1}{4}$ *pp.*

89. ii. Duplicate of *above No.* i.

89. iii. Duplicate of *above No.* iii. [*C.O.* 37, 4. *Nos.* 17, 17.i.–iii. ; *and* (*without enclosures*) 38, 5. *pp.* 382–389.]

[Dec. 24.] **90.** Mr. Champante's Account of the Subsistance and Clearings of the Four Companies at New York, March 8, $170\frac{0}{1}$, to Dec. 24, 1701. *Endorsed*, Recd. Dec. 24th, 1702, Read Jan. 4, $170\frac{2}{3}$. 4 *pp.* [*C.O.* 5, 1047. *No.* 81.]

[Dec. 24.] **91.** Mr. Champante's Account of his receipts and payments as Agent of the Four Companies of New York, March 26, 1699—March 8, $170\frac{0}{1}$. *Signed*, J. Champante. *Endorsed as preceding.* 2 *pp.* [*C.O.* 5, 1047. *No.* 82.]

[Dec. 24.] **92.** Mr. Champante's Account of Offreckonings and Cloathing during his Agency to the Forces at New York. *Signed and Endorsed as preceding.* 2 *pp.* [*C.O.* 5, 1047. *No.* 83.]

Dec. 24.
Boston.
93. Minutes of Council of the Massachusetts Bay. H.E. acquainted the Council that the dispatch of the store-ships with provisions for the supply of H.M. forces in Jamaica had retarded his journey to Piscataqua, but in few days intended to set forward, and desired Penn Townsend and Nathaniel Byfield of the Council to accompany him hither, he having received advice that some of the principal of the Eastern Indians had a desire to speak with him and were about coming to Boston in a sloop of Capt. March's, Commander of H.M. Fort at Cascobay ; but he had written a letter to prevent their coming hither, and to direct

1702.

their waiting upon him at Piscataqua, where he expected to see them. H.E. said that he had employed two of the Eastern Indians to give him secret intelligence from time to time of the Indians' motions, and that they would expect some gratification for their service.

Accounts of the *Province* galley referred to a Committee.

Ordered that the Treasurer advance to the soldiers in garrison at H.M. Castle on accompt of their wages, in clothing, at the direction of the Lt.-Gov., not exceeding 5*l.* a man, one with another, and also that he provide five match coats for the sentinels.

6*l.* 11*s.* 10*d.* paid for doctor's attendance *etc.* upon 4 seamen belonging to H.M.S. *Province* galley, put on shore sick of the small-pox.

27*l.* 3*s.* 3*d.* paid to Daniel Willard, Keeper of H.M. Gaol in Boston, for keeping several French prisoners of war, July—Nov. 17, 1702.

15*l.* paid to Bartholomew Green, of Boston, Printer, for printing of the Acts, Proclamations and Public Orders, Sept. 27, 1701—Sept. 24, 1702.

87*l.* 10*s.* paid to Isaac Addington for fees *etc.*

H.E. further prorogued the Assembly from Jan. 7 till Feb. 10. [*C.O.* 5, 789. *pp.* 474–476.]

Dec. 25. **94.** Account of Postage for the Board of Trade, Sept. 28—Dec. 25. Total, 7*l.* 6*s.* 5*d.* New Year's gift for two years, 5*l.* 7*s.* 6*d.* 1 *p.* [*C.O.* 388, 75. *No.* 65.]

Dec. 28.
On board
H.M.S.
Canterbury
before Port
Royal in
Jamaica.

95. Rear Admiral Whetstone to the Principle Secretarys of State. Yesterday about noon I came to anchor at this place, having been 30 odd days cruising on the coast of Hispaniola, designing if any prospect of service to have annoyed the enemy, having one of the bomb ketches with me, but could find nothing worth the charge of attacqueing by bombarding or other ways. At my return, I received your letter of Oct. 7th, to Admiral Benbow. I observe your Lordship tells him of six ships of warr to be detacht from Cadiz with 2,000 soldiers. These ships I presume are arrived at Barbadoes, but doe not, by Capt. Haverden Walker's letter, find they have either orders or inclinations of coming down here, unless the want of provisions or stores bring them; but then I presume none of the soldiers comes with them. The other ships your Lordships mentions with the Governor are not yet arrived. I shall endeavour to be in the port at their arrival, and consult with the most knowing here to doe the best service we can. I shall rejoice to be successful, and will not be wanting to doe my uttermost for H.M. service. The most of the ships here will want a relief, as will also the men, the wormes being very destructive to the ships, and the recovered men (for all have been sick) at our short allowance cannot gather strength to answer the end of the service. I humbly pray for myselfe a reliefe, when it may be noe prejudice to H.M. service. I beg to lay a little scheme before you of the occasion of some misfortunes attending H.M. service in these parts. All seamen that come hither are generally attended with sicknesse at the first; many it carries off, some recover, but then being at short allowance of provisions, one third is eaten out with the salt, another third abated in their allowance, so that there is but one third of H.M. allowance for these men to subsist on, by which they can never geather strength, and altho' their short allowance money is duly paid them, and all care imaginable taken to prevent them from buying strong liquor, yet they doe it, and throw themselves into distempers, so that the short allowance money intended for their good proves their prejudice; and fresh provisions are soe extream scarce and excessive deare that they will not lay out their money that wayes. If these misfortunes could be prevented by a constant supply of provisions to keep them at whole allowance, I presume they would be much more healthier, and much more fit for service. The trade of this country now is privateering, which has not yet been successful, but carryes of the men, so that the Government here says they can give noe supplyes to H.M. ships here. *Signed*, Will. Whetstone. *Endorsed*, Recd. April 19, 1703. *Addressed and sealed*. 2 *pp*. [*C.O.* 137, 45. *No*. 34.]

Dec. 29. Whitehall. **96.** Journal of Council of Trade and Plantations. Their Lordships taking into consideration the several papers transmitted by the Lord Cornbury relating to the state of the Province of New York, and more particularly the Acts past there in April and May last, immediately before his Lordship's arrival in that Province, in order to their determination upon the names of Counsellors fit to be inserted in his Instructions, some progress was made in that matter.

Dec. 30. Their Lordships, having considered the present state of the Council at New York and the names of persons recommended by the Lord Cornbury to fill up vacancies, agreed upon the names of twelve to be inserted in the Instructions prepared for him, and having likewise considered the Acts passed at New York in April and May last; ordered a Representation to be prepared relating to those matters.

Upon consideration of the proposals relating to the importation of Naval Stores from New England, their Lordships gave directions for some alterations to be made in the draught of a Charter received from the Petitioners for an Incorporation for that Trade; together with several additions to be communicated to them, that their sence may be known thereupon, in order to a Representation to H.M. upon that matter.

Dec. 31. A Representation as ordered yesterday upon the Acts of New York etc. was signed.

Mr. Champante laid before the Board his account of the Offreckonings of the 4 Companies at New York. He said that he had received a letter from Capt. Nanfan, Oct. 5, acquainting him that the cloathing which he had last sent for the soldiers was then arrived there; he further desired that their Lordships would please to send to the Pay Office for an extract of all the

1702.

money that has been paid to him upon account of the said 4 Companies; whereupon the Secretary was ordered to write to Mr. Paunceford for it, and their Lordships further directed him to attend again on Monday next in the afternoon, and to bring with him any persons that he thinks fit, to make out what he may then offer. Ordered also that Capt. Matthews and Mr. Thrale, Agent for the Lord Cornbury, have notice to attend at the same time.

Order of Council, Dec. 17, together with a petition of Mr. Samuel Allen, relating to the Propriety of New Hampshire, read. A further Memorial upon the same subject was laid before the Board; whereupon Mr. Usher, who solicites that affair, was ordered to attend the Board on Monday next in the afternoon, with the proofs what he has to produce of his allegations. [*C.O.* 391, 15. *pp.* 337–341; *and* 391, 96. *Nos.* 208–210.]

Dec. 31. St. James's. **97.** Order of Queen in Council. Approving a Memorial from H.R.H. Prince George of Denmark, Lord High Admiral, Dec. 23, quoted:—*Refers to* petitions of Merchants trading to Virginia. *Proposes that*, it may be reasonable to send from hence two ships of the fourth rate by the end of Jan. next to carry all the trade from the several ports, which ships will join at Virginia two others, which I have ordered Vice-Admiral Benbow to detach thither, and to depart from thence in company with the Trade by July 1st or 10th. And whereas the merchants of London have represented that there will be occasion to send to Virginia the beginning of July next a considerable Trade, it is further proposed that two fourth-rate ships may be appointed at that time, or by the latter end of August, to convoy the said Trade, which for their better security may be seen well into the sea by other ships to be particularly appointed, and then the said convoy may depart from Virginia and Maryland with the Trade by the beginning of April following, and that during their stay there, they may cruise in some proper station to protect the trade of the Leeward Islands. *Proposes that*, the Governors of Virginia and Maryland may be enjoyned by H.M. Orders to take care that no ships sail out of the Capes without convoy, to prevent the mischiefs which otherwise may happen to the Trade from the enemy.

Ordered, that H.R.H. give the necessary directions accordingly, and that the Council of Trade and Plantations prepare the necessary Instruction to the Governors as proposed. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Jan. 5, 170$\frac{2}{3}$. 2 *pp.* [*C.O.* 5, 1313. *No.* 9; *and* 5, 1360. *pp.* 353–355.]

Dec. 31. St. James's. **98.** Order of Queen in Council. Directing that the Order of Sept. 26, 1699, be renewed on behalf of the petitioner, Sir John Colleton, Bart. The Council of Trade are to prepare an Instruction for the Governor of Barbados accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Jan. 4, 1702. $1\frac{1}{4}$ *pp.* *Enclosed*,

1702.

98. i. Petition of Sir John Colleton, Bart., to the Queen. [*See Cal.* 1699.] 2 *pp.* [*C.O.* 28, 6. *Nos.* 91, 91.i.; *and* 29, 8. *pp.* 267–272.]

Dec. 31. Whitehall. **99.** William Popple to Edward Pauncefort. I am ordered by the Council of Trade and Plantations to desire you to furnish them with an extract of all money received by Mr. Champante from the Pay Office upon account of the 4 Companies at New York. [*C.O.* 5, 1119. *p.* 326.]

Dec. 31. Whitehall. **100.** Council of Trade and Plantations to the Queen. We humbly lay before your Majesty several Acts past in the General Assembly of New York in April and May last by Capt. Nanfan, late Lieut.-Governor; to which we have received several objections made by Governor Lord Cornbury. (i). *Act for continuing the Revenue established by Law unto H.M. for two years longer*, is in effect little more than a specious pretence for giving away divers sums out of the Revenue to several persons who have been since discharged by his Lordship from their employments for misbehaviour in the Government, and does not seem to be otherwise necessary, because a former Act for settling the Revenue continues in force till May 18, 1706; before which time we presume the Lord Cornbury will have taken further care in that matter. (ii.) *The Act for paying the debts of this Government made in the time of the late Happy Revolution* does tend to charge the Province with payment of goods taken from several merchants by Jacob Leisler and others of his party, in the time of their disorderly proceedings, upon pretence that the same were for H.M. use, and is contrary to the directions given by us to the late Earl of Bellomont that no Act of Assembly should be passed by his Lordship's consent, whereby any retrospect was had to the quarrels or differences between any parties during the forementioned disorders. (iii.) *The Act for declaring, confirming and explaining the liberties of the City of New York relating to the election of their Magistrates* does in effect overthrow the Charter, and tend to the great prejudice of that City. (iv.) *The Act for outlawing Philip French and Thomas Wenham* being contrived for the outlawing of those men, otherwise innocent, for default of their appearance within ten days, is in itself unjust and repugnant to the Laws of England, which allow a much longer time in cases of outlawry. (v.) *The Act for augmenting the number of Representatives* is an alteration not fit to be made in the Constitution of that Government, and dos tend to the burthening the people of some places in that Province who have already so many Members of Assembly as they are willing to maintain. (vi.) *The Act for the better regulating the elections of Trustees and Magistrates for the Town of Kingston, Co. Ulster*, does tend to the ruin of the said town. We humbly offer that your Majesty would please to signify your disapprobation and disallowance of the said Acts.

We further humbly represent to your Majesty, that having received from the Lord Cornbury an account of his suspending

1702.

several Members of your Majesty's Council of New York for their misbehaviour and divers irregular and illegal proceedings, whilst they were in power (viz., Atwood, Weaver, A. Depeyster, Staats and Walters), and having considered the reasons of his Lordship's so doing, we do approve thereof; and humbly conceiving it fit that the said persons be displaced by your Majesty, we have thereupon added in their stead the names of five other persons recommended to us by the Lord Cornbury as fit to supply those vacancies, to make up the number of twelve persons in your Majesty's said Council, whose names are accordingly inserted in the Instructions we have prepared for his Lordship, which we herewith humbly lay before your Majesty for your Royal Approbation. *Signed*, Weymouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. *Annexed*,

100. i. Copy of Instructions for Edward Lord Cornbury, Capt.-General and Governor in Chief of New York and the territories depending thereon. *Similar to previous Instructions. Variations:* Members of Council of New York; William Smith, Peter Schuyler, Sampson Shelton Broughton, Wolfgang William Romer, William Lawrence, Gerardus Beekman, Rip Van Dam, John Bridges, Caleb Heathcote, Thomas Wenham, Matthew Ling, Killiam Van Ranslaer. . . . Appeals to be allowed to the Governor and Council, where the value exceed 100*l.* sterl. etc. and to H.M. in Council, where it exceed 300*l.* sterl. . . . You are to endeavour the repeal of the clause of the Act of New York for *quieting and settling disorders*, which has of late been misinterpreted to the oppression of our subjects, the Laws of England having sufficiently provided for the true purposes thereof *etc.* *See Cal.* 1701, *Nos.* 1030 *and* 647. ii. [*C.O.* 5, 1119. *pp.* 273–325.]

Dec. 31. St. James's. **101.** Order of Queen in Council. Upon above Representation, Ordering that Mr. Atwood and Mr. Weaver with their Councell learned be heard before H.M. at this Board, Jan. 14 next, and that Mr. Attorney and Mr. Solicitor General be instructed by the Agents of the Lord Cornbury in order to make good the charges brought against them by him, and that the parties concerned do make their application to the Council of Trade and Plantations for such papers transmitted by my Lord Cornbury as may be proper for their information. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 4, 170⅔. 1 *p.* [*C.O.* 5, 1048. *No.* 8; *and* 5, 1119. *pp.* 328, 329.]

Dec. 31. St. James's. **102.** Order of Queen in Council. Repealing 6 Acts of New York past there in April and May, 1702, as recommended by the Council of Trade and Plantations. *Signed*, Edward Southwell. *Endorsed*, Recd. 14th, Read Jan. 18th, 170⅔. ¼ *p.* [*C.O.* 5, 1048. *No.* 9; *and* 5, 1119. *pp.* 343, 344.]

Dec. 31. **103.** Minutes of Council of Virginia. On consideration of the Lords Justices' Instructions, Sept. 3, 1698. "You are to take care that in time of war no ships do come from Virginia but in fleets, or at such time as shall be notified from hence for their meeting of convoys *etc.*," the Council being in doubt as to whether merchant ships without a convoy shall be accounted a fleet, and how many ships shall constitute the same, desire H.E. to ask for directions from the Lords Commissioners for Trade, how to proceed when no convoys are in the country or can reasonably be expected. And forasmuch as after embargoes have been laid here pursuant to the aforesaid Instruction, the ships in Maryland continue to sail as usual, whereby they have the advantage of the market, and the inhabitants of this Colony and traders here are not only deprived of that benefit, but are also at great charge in seamen's wages and the damage of their vessels by the worm and other accidents, the Council pray that the same may be represented, that so the inhabitants and traders to this Colony may be under no greater restraint than those concerned in the same trade in our neighbour Colony.

Letters from Capt. Moody to H.E. etc. read, giving notice that he hath received orders from the Lord High Admiral and Capt. Leake directing to sail for Newfoundland to join Capt. Leake and in case he is gone, to make the best of his way to England, in which letters he hath not only used divers very reflecting and presumptuous expressions, but also hath refused to send his orders or give an attested copy of them to H.E. (notwithstanding he showed them to Mr. Commissary Blair and Col. Philip Ludwell) to the end H.E. and Council might have judged what would most conduce to H.M. service and the advantage of trade upon this occasion. Whereupon it is the unanimous opinion of the Council that for want of true knowledge of such orders, they cannot give any directions to the merchant ships, which may tend to the great prejudice of H.M. service and the trade of this country, and they therefore desire H.E. to issue his warrant to Capt. Moodie, commanding him to bring or send to H.E. on Jan. 5 an attested copy of the orders he hath received, that this Board may consider wherein he may be serviceable, as also a copy of the Journal of his proceedings since he come into this Colony, that so it may appear whether he hath complied with the orders he hath from time to time received.

Whereas Capt. Moodie in his said letters of 16th, 20th, 22nd and 29th inst. complains of his being in want of provisions and men, and that his water casks are in a bad condition and his men naked and in great want of clothing, for which reasons he cannot proceed so soon on his voyage as ordered, H.E. and Council find that whenever any application hath been made by him for credit for provisions or any other matter, orders and supplies have been given him as desired. Capt. Moodie hath had H.E.'s warrant for impressing seamen, and to strengthen the same an Act of Assembly hath lately passed for apprehending runaway seamen, whereof divers have been taken and delivered to him. And as to his water cask and the nakedness of his men, it is the first time any such representation hath been made to this Board, so that if he is in want of any the above particulars, or cannot

1702.

sail pursuant to his orders, it is no fault of H.E. and Council. They conceive it for H.M. service and order that Capt. Moodie give a positive answer whether he intends immediately to sail from hence, and whether he intends to touch at Newfoundland, and that he answer on Jan. 5.

Ordered that Capt. Moodie deliver H.M. sloop *Elizabeth* with all her rigging *etc.* to the Collector or Naval Officer of the district from whence he takes his departure.

Whereas it hath been represented by Capt. Moodie that he is in want of diverse seamen, H.E. and Council being willing as far as it is possible to supply H.M.S., hereby in Her Majesty's name strictly charge all officers, civil and military, and all H.M. loving subjects to use their utmost endeavours to discover and apprehend all vagrant and runaway seamen and them safely to convey on board H.M.S. *Southampton* in accordance with the late Act of Assembly.

The Council requested H.E. to write to the President of H.M. Council in Maryland to order Capt. Nathaniel Bostock, H.M. advice-boat *Eagle*, to attend on this Government with all speed. And forasmuch as all the seamen that can be had in this country will scarce be sufficient to supply H.M.S. *Southampton*, the Council desire H.E. to write to Capt. Bostock that he take care to man the *Eagle* before he comes from Maryland, and for his assistance to send him the list of seamen now in Maryland who have run away from H.M. service.

Upon reading Lord Cornbury's letter, Nov. 19, desiring that the quota of 900*l*. be remitted by the very beginning of the Spring, H.E. asked the advice of the Council whether, since Lord Cornbury is so pressing and seems to apprehend the frontiers of his Government in danger, it will be convenient to call the Assembly sooner than March 17. The Council were of opinion that the Assembly cannot conveniently meet sooner, for the reasons given Oct. 27. [*C.O.* 5, 1409. *pp.* 265–268.]

[? 1702.] **104.** Reasons offered by the Hudson Bay Company for reducing that part of Hudson's Bay, now in possession of the French, to the Crown of England. *Copy.* 1¼ *pp.* *No date.* [*Reference to his late Majesty.*] [*C.O.* 134, 3. *No.* 15.]

[1702.] **105.** Opinion of some persons conversant in Newfoundland relating to a boom for the harbour of St. John's. *Estimate and specification* etc. *No signature or date.* 1 *p.* [*C.O.* 194, 22. *No.* 3.]

[1702.] **106.** A Particular of Ordnance Arms and Stores for the Leeward Islands. *No signature or date.* 1 *p.* [*C.O.* 152, 39. *No.* 94.]

107. Acts of Antigua. [*C.O.* 8, 3. *pp.* 113 *ff.*; *and* (*printed*) 154, 3. *pp.* 126–145.]

1702.

108. Acts of Barbados. [*C.O.* 30, 3. *pp.* 338*ff.*; *and* 30, 6. *pp.* 230*ff*; *and* (*printed*) 30, 4. *pp.* 202–204.]

109. Acts of Jamaica. [*C.O.* 139, 9. *pp.* 62 *ff.*]

110. Acts of Maryland. [*C.O.* 5, 731. *pp.* 773 *ff.*; *and* (*printed*) 5, 730. *pp.* 16 *ff*; *and* (*printed*) 5, 739. *pp.* 13 *ff.*]

111. Acts of the Massachusetts Bay. *Printed.* [*C.O.* 5, 771. *pp.* 225*ff.*; *and* 5, 772. *pp.* 211*ff.*; *and* 5, 773. *pp.* 139*ff.*]

112. Acts of Montserat. [*C.O.* 176, 3. *pp.* 16*ff.*]

113. Acts of New York. *Printed.* [*C.O.* 5, 1413. *pp.* 47*ff.*; *and* 5, 1144. *pp.* 53*ff.*; *and* 5, 1145. *pp.* 45*ff.*; *and* 5, 1146. *pp.* 47*ff.*]

114. Acts of Virginia. *Printed Titles only.* [*C.O.* 5, 1382. *pp.* 117–120.]

115. Lists of Acts of Bermuda, Bahamas, Barbados, Jamaica etc. [*C.O.* 5, 274. *passim.*]

[? 1702–3.] **116.** Richard Cary, Agent for Antigua, to Sir Charles Hedges, Secretary of State. Upon application made by the said Agent for ordnance *etc.* for the Island of Antigua, the Board of Ordnance proposing that there is an Engineer at Barbados, who, if H.M. pleaseth, may be ordered to Antigua to view the fortifications, and report what may be needful for them, *prays that* the Engineer may be ordered accordingly, that the said Island may be supplied with necessary stores. *Signed*, Rd. Cary. [*C.O.* 7, 1. *No.* 2.]

1702. **117.** Grants of Land. New York. [*C.O.* 5, 1134.]

118. List of Grants of land and quit-rents. South Carolina, 1702. [*C.O.* 5, 398.]

[1702 ?] **119.** Peter Dyer to the Earl of Nottingham. Petitioner, one of the quondam captives of the Havanna, was according to your Honor's Orders, examined by the Commissioners of Trade, at whose suggestion I procured an account of all the Spanish coast, the chief ports of Cuba and Hispaniola etc. I applyed myself to your Honor on Thursday last, and your Honor ordered me to go to Mr. Tucker to hear their report, which was that letters should be sent by a flag of truce to Havana to demand the prisoners, and likewise better usage for the future, otherwise they are to expect that the Spaniards taken by us shall be served the same by way of reprisall etc. *Prays that* he may be sent with the flag of truce. *Signed*, Peter Dyer. 2 *pp.* *Enclosed*,

119. i. A description of the Havana with reasons why it would be of importance to England. 2 *pp.* [*C.O.* 318, 3. *Nos.* 2, 2.i.]

[1702.] **120.** Emanuel Penhallow, of H.M. Royal and late reformed independent company in St. Christophers, to the Queen. Petitioner being not willing to give an able slave unto Col. James Norton to discharge petitioner from military service, Col. Norton committed him prisoner on Brimstone Hill, where he had not the speech of six persons in six months, the guard excepted. At the end of that time he was compelled to comply with Col. Norton's unreasonable demands, and half of the moyety that was then justly due to petitioner for his service from July 5, 1683—Dec. 19, 1699, or else be kept prisoner till the General's arrival, if it were seven and seven years. *Begs for redress. Signed,* Emanuell Penhallow. 1 *p. Enclosed,*

120. i. Emanuel Penhallow's account of money received from Col. Tho. Hill 1690–1700. 1 *p.*

120. ii. List of H.M. Independent Company, reformed Sept., 1702. 1½ *pp.* [*C.O.* 239, 1. *Nos.* 2, 2.i., ii.]

121. Copies of Governor's Instructions issued in 1702 and calendared under dates. [*C.O.* 5, 188.]

[1702. ? May.] **122.** Brigadier Colenbine to the Earl of Nottingham. Petitions that the medicines designed for Lord Peterborough's expedition be forthwith sent down to Portsmouth etc. *Signed,* V. Colenbine. 1 *p.* [*C.O.* 318, 3. *No.* 1a.]

ADDENDA.

1702. Sept. 11. *Bredah.* **123.** Vice-Admiral Benbow to the Secretary of State [*Earl of Nottingham*]. The 7 July I received H.E.'s the Lord High Admirall's declaration of war with France and Spain, as also H.M. Declaration which I have communicated as desired. The 11 July we sailed from before Port Royal with H.M. ship in the margent [*Bredah, Defyance, Windsor, Ruby, Falmouth, Greenwich, Colchester, Pendennis, Strombolo* f.p., *Carcass* bomb, *Cresswell* tender, *Recovery* sloop], with a designe to joyne Rear-Admiral Whetstone, but having advice the 14th by the *Colchester* and *Pendennis,* who that day joyned in, that Mounsr. Du Cass was expected at Logann, which is on the north side of Hispaniola, I plyed for that part; nothing of moment happened till the 21st, then took a small sloop near Cape Tiberoone. On the 24th by accident the *Strombolo* fireship's gunroom blew up and broke several of her beams, shattered her bulkheads, and disabled her so far that was obliged to send the *Pendennis* with her for Port Royall, as also the Bomb vessell and her Tender, which sailed so intollerably heavy that we could gett but little ground. The 27 we came into the Gulf of Logan and not far from the Towne we saw severall ships at anchor, and one under sail who sent her boat to discover who we were, but she came a little to

1702.

near, our boat took her before she gott on board, the people of this boat informed that there were five or six merchant ships at Logan, and that the ships wch. they belonged to was a King's ship, and could carry 50 guns but now had but 30 mounted. I persued him and prest him so hard that when he saw all hopes lost for making his escape, run ashore and blew up, it being now night we lay as near the shore as convenient. The 28 in the morning came before the Towne of Logann, where there was but one ship of about 18 gunns, the rest sailed from thence before day in order to secure themselves in a harbour which is called the Cue, but we having some ships between them and home, took three of them and sank another ; this ship of 18 guns was hauled ashore under their fortifications, which was a Battery of about 12 guns. We fired at their battery, sent our boats and burnt the ship aground, which could not be gott off, the ship that was sunk had sixteen guns, and one brought away of 16, the other 30 and one brigantine of six. These ships has in them some wine and brandy and some small matter of sugar. The 29 we came before Pettit Guavus, but finding no ships went not into the place. We saw 3 or 4 ships in the Cue, a harbour which lyes much within the Land, and well fortified by nature etc., did not think it safe nor convenient to run such a risk for so small matter. We continued in this Bay till Aug. 2, standing from one end of the part that is inhabited to the other, fateaging the inhabitants who expected our landing, but our circumstances would not admitt of it. Wee saild for Cape Doña Maria, where is a good Bay and water, were we arrived the 5th, having advices that Mounsr. Du Cass is gone to Cartagena and from thence to Porto Bello, I design to sail on that coast with H.M. ships in the Margent (*Bredah*, *Defyance*, *Ruby*, *Greenwich*, *Falmouth*, *Windsor*). Accordingly we sailed on the 10th Augt., and stretcht over towards the coast of Sta. Martha, near that place the 19th in the morning, we spyed tenn sail to the Eastward, little wind at East, we made the best of our way to come up with them, about noon the wind came out of the sea, then we could lye with them, and soon perceived them to be Frenchmen, some of our ships three or four mile astarne, I made the signall for battle, and went with an easy sail to have them come up, and steered with the French, who steered to the Westward along shore, under their two topsailes, there was of them four sturdy ships from 60 to 70 guns, one great Dutch-built ship about 30 or 40 guns, and one small ship full of soldiers, the rest were a sloop and three small ships. I was very uneasy to see our ships so long a coming up, and in such disorder, our line of battle was as per margent (*Defyance*, *Pendennis*, *Windsor*, *Bredah*, *Greenwich*, *Ruby*, *Falmouth*), the *Defyance* being to lead, whose Commander I found did not make all the haste he might into his station, as also the *Windsor*. I sent to them to make more sail ; the night approaching we steered alongside of the enemy, and endeavoured to near them, being to windward and steering large, but not with a design to atackt them, before the *Defyance* was abrest of the headmost ship ; but before this was done the *Falmouth* in the rear attackt the

1702.

Flemish ship, the *Windsor* the ship abrest of her, as also did the *Defyance.* Soon after we were obliged to do the same, having receiv'd the fire of the French ship abrest of us. The *Defyance* and *Windsor* after they had received two or three broadsides from the enemy luft out of the line, out of gunshott; the two (*s*)tarnemost ships of the French lay upon us, which very much gauled us, our ships in the Rear not coming up as they ought: it was four a clock when we begun, and continued till it was dark. We kept them Company all night steering to the Westward. I did believe that if I order'd a new line of Battle and lead myselfe on all tacks (perceiving the French would decline fighting if they could) might do the better, and that our people for shame would not fail to follow a good example. The line of Battle and orders are enclosed. 20th. At daylight in the morning I found we were near the enemy, only the *Ruby* up with us, the rest of our ships three, four and five mile astarne; it proved little wind, and we were within gunshott of all the Enemy, they were so civell as not to fire, otherwise must have received a great deal of damage: at 2 this afternoone, the sea breeze came, the enemy gott into a line making what sail they could; our ships not coming up; we with the *Ruby* plyed our chase guns on them till night, then left of; keeping them company all night. 21st. At daylight in the Morning we being on the Quarter of the second ship of the Enemys and within point blank shott, the *Ruby* being ahead of us, she fired at the *Ruby*, which the *Ruby* returned, the two ship which were ahead fell off, being little wind, brought their guns to bear on the *Ruby*; we brought our guns to bear on this ship which first begun and shattered him very much, which obliged him to tow from us, but the *Ruby* being so much shattered in her masts, sailes and rigging that I was obliged to lye by her and send boats to tow her off; this action held almost two hours, during which the Rear ship of the enemy was abreast of the *Defyance* and *Windsor*, who never fired one gun, tho' within point blank; at 8 a gale of wind sprung up, the Enemy making what sail they could: we chasing in hopes to come up with them, then abrest of the River Grandy, our ships then in good order for battle, wch. was more than I saw before, being then in hopes they would consider their Duty, the *Ruby* being disabled lay astarne; at two this afternoon I gott abrest of two of the Starnmost and finding we gott nothing of them, in hopes to disable them in their masts and rigging, I began to fire on them, as did some of our ships astarne, but we lying abrest of them, they pointed wholly at us, wch. gauled us much in our rigging, and dismounted two or three of our Lower Tier guns; this held about Two hours: they gott without shott, we making what sail we could to come up with them, but they using all the ships [? *shifts*] possibly they could to evade fighting (and when so, 'tis a very hard matter to joyne battle), this night we used our utmost endeavour to keep them Company. 22nd. This morning at daylight the *Greenwich* was about Three leagues astarne, tho' the line of battle was never struck night nor day, the rest of our ships indifferent near (except the *Ruby*), the Enemy about

1702.

a mile and a half ahead: at 3 this afternoon the wind came to the Southward, which before was Easterly; this gave the Enemy the weather Gage, but in tacking we fetcht within gunshott of the sternmost of them, firing at each other, but our line being much out of order, and some of our ships three mile astarne, this night I perceived that the Enemy was very uneasy, altering their courses very often, between the West and the North. 23rd. At daylight this morning the Enemy was about six mile ahead of us, and the great Dutch ship separated from them out of sight, some of our Squadron at this time more than four mile astarne (viz., *Defyance* and *Windsor*), we making what sail we could after them; at 10 a clock the Enemy tackt, the wind then at E.N.E., but very variable; we fetcht within point blank shott of two of them passing our Broadsides at each other; most of our ships could not come within shott, soon after we tackt and persued them what we could; about noon we took from them a small English ship called the *Ann* galley, which they had taken off of Lisbourne; the *Ruby* being disabled could not keep Company, I ordered her for Port Royall; at 8 this night our squadron was all fair by us, being then distance from the Enemy about Two mile, they steering S.E., and very little wind then at N.W., and variable, we steering after them and all our ships (except the *Falmouth*) falling much astarne: at 12 the Enemy began to separate, we steering after the sternmost. 24th. At 2 in the morning we came up within call of her, it being very little wind, being all clear fired our Broadside with double and round alow, and Round and partrid(g)e aloft, which he returned very heartyly; at 3 a clock by a chain shott my right Legg was broke to peices, and was carryed downe, this continued till day, then see seemingly the ruines of a ship of about 70 gunns, her Main Yard downe and shott to peices, her foretopsail yard shot away, her Mizonmast shott by the board, all her rigging gone and her sides bored to peices with our double-headed shott, the *Falmouth* assisted in this matter very much, and no other ship; soon after day we saw the other part of the Enemy coming towards us, with a strong squale of wind Easterly; at the same time the *Windsor*, *Pendennis* and *Greenwich* coming ahead of the Enemy towards us, came to Leeward of the disabled ship, fired their Broadsides past her and stood to the Southward, then the *Defyance* following them who came also to Leeward the disabled ship fired part of her broadside, the disabled ship did not fire above twenty guns at the *Defyance*, before he put her helme a weather and runn away right before the wind, lowered both her topsailes and run to leeward of the *Falmouth* (which was then a gunshot to leeward of us, knotting her rigging) not having any regard to the signall of Battle, the Enemy seeing our other three ships stand to the Southward, expected they would have tackt and stood with them, they brought to with their heads to the Northward, they then being about two mile from us, we being then within halfe gun shott of the disabled ship: the enemy seeing those three ships did not tack, bore downe upon us and run between the disabled ship and us, giving us all the fire they had, in which they shott

1702.

our main topsailyard and shatter'd our rigging much, having none of our ships near us, neither did they take notice of the Batle's signall, but all in a confused hurry: the Captain fired two guns at those ships ahead in order to put them in mind of their duty, the French seeing this great disorder of fear and confusion amongst us, brought too and lay by there owne disabled ship, reman'd her, and took her in a Tow, our Rigging being much shattered we lay till 10 a clock, our ship being again fitted, the Captaine acquainted me of it, I ordered him to persue the Enemy and told him I would give them battle, at that time the Enemy was about three mile from us and to leeward, having the disabled ship in a Tow steering N.E., the wind at S.S.W., we making all the sail after them we could, our Batle signall always out notwithstanding our ships running confusedly one amongst another, which appeared much like fear, and gave the Enemy no small encouragement having before seen the behaviour of some of us; I ordered Capt. Fogg to send to the Captaines to keep their line, and behave themselves like men, Capt. Fogg sent this message by Capt. Wade to Capt. Kirkby and Capt. Constable, who told them I was very angry that they did not behave themselves better; soon after this message Capt. Kirkby came on board me, and before he askt how I did, he repeated these words, that he wonder'd I would offer to engage the Enemy again, and said it was not requisite nor convenient after six days tryall of their strength, and magnified the strength of the French, lessening ours, I did then believe there was a snake in the Grass, otherwise should not have mett with so many misfortunes. I told him that was but his opinion, I would send for the rest of the Captaines and know theirs; accordingly order'd Capt. Fogg to make the Signall and there opinion was as enclosed. When I saw this I was well assured that they had no mind to fight, and that all our misfortunes heretofore came threw cowardice, and that the objections they made for not fighting was eronious; I thought it not fit further to venture for if the Enemy could have disabled me, they would soon have dispatcht them, except those that had good heels, wch. I believe then would not have been wanting; when this opinion of theirs was given we were abroadside of the Enemy, and the only oppertunity to fight in Six days; we were one 70 gun ship, one of 64, one of 60 and three of 50, our masts and yards etc. in as good a condition as could be expected, and not eight men kill'd amongst them all besides those of the *Bredah*, ammunition sufficient, I then and all our men willing, and to referr this to a fitter oppertunity which never could be expected, to me was a perfect deniall. They likewise say that the French had five men-of-war from 60 to 80 guns, wch. is false, for there was but 4 from 60 to 70, and one of them in a Tow, being all to peices, and as to their numbers of men, they are well thin'd, believing we have as many good as they: if this be allow'd, there is no going to sea for a Flagg *etc.* unless he carry his Father, Sons or Brothers to assist in the day of batle. I thought always till now that a good Example would make any Body fight. This night we parted with the French, but with no small regret to me,

1702.

and made the best of our way to Port Royall, where we arrived the 31st with our ships, where we found Rear Admll. Whetstone with the rest of H.M. ships. *Signed*, J. Benbow. *Endorsed*, R. Jan. 11, 170⅔. 5½ *pp*. *Enclosed*,

123. i. Line of Battle (*referred to above*). The *Bredah* to lead upon all tacks and before the wind —*Bredah*, *Defyance*, *Windsor*, *Greenwich*, *Ruby*, *Pendennis*, *Falmouth*. When the signall is made to draw into this line each Capt. is required and directed to keep H.M. ship he commands not further then halfe a cable's length from the ship he follows and in the same paralell with the *Bredah*; he is not to quitt this Line on any pretence whatever without first giving me notice, nor to keep a greater distance then is directed, as he or they shall or will answer the contrary at their perill. And for so doing this shall be your warrant. Aug. 19, 1702. If any ship faulters, the next ship that follows is to take her place. 1 *p*.

123. ii. Duplicate of preceding.

123. iii. Duplicate of preceding.

123. iv. Reasons of the Captains for not engaging the Enemy Aug. 24, 1702, drawn up by Capt. Kirkby. 1 *p*. *See preceding volume of this Calendar, Nos.* 936, i., ii.

123. v. Duplicate of preceding.

123. vi. Duplicate of preceding. [*C.O.* 318, 3. *Nos*. 4, 4. i.–vi.]

Sept. 11.
Bredah.
Sept. 24.

124. Vice-Admiral Benbow to the Secretary of State [*Earl of Nottingham*]. *Begins with Duplicate of preceding letter. Continues : Bredah* in Port Royall Harbour, Sept. 24, 1702. I have advice that the Duke of Albuquerque did embark on Mounsr. Du Cass's Squadron at the Groyne, as also 1,500 Spanish soldiers which was brought into these parts by eight Frenchmen of war and 14 Transport ships; the first place they came to was Porto Rico, where they wooded and water'd, cleared several of their Transport ships sending them for Europe after three days stay in that place, then sailed to the Westward, and off of the East end of Hyspaniola they separated, which I judge might be about the 10 August; the Duke of Albuquerque with Two men-of-war, one of 60, the other of 70 guns, with four transport ships having a thousand Spanish soldiers on board run downe the North side of Hyspaniola bound for Vera Cruix; Mounsr. Du Cass with six men-of-war and three transport ships went downe on the North side with Five hundred Spanish soldiers and stopt at Sta. Domingo —did not stay, but sailed for Ryo de Hatch, lay before that place about six hours, where he left two men-of-war, one of fifty, the other of forty guns, to settle the Assento. From thence he designed for Cartagena and Porto Bello, there to land the soldiers. This advice I have had from the Commander of the ship I took from him. [*See above.*] The 20th of this inst. arrived here H.M.S. *York* and *Norwich*, as also all the storeships and victuallers which came out with them, which to us were very welcome, also H.R.H. the Lord High Admirall's Order for sending a ship for New England to convoy home two merchant-ships loaden with masts *etc.*, which is complyed with, likewise for sending a man-of war to Barbadoes, there being a great number of merchant ships that requires convoy home. Yesterday came into this Port a merchant ship, which in stress of wether had lost her mast who sailed from Barbadoes about the 10 August, the Master of which informes me that the merchant ships were all sailed in June last, and that he left but three sail in that place, for which reason deferr sending a ship that way. Allso shall in all duty observe H.R.H. Orders as to the impressing of men in these parts, which has been with all care complyed with as my Instructions directs, which he is pleased to referr me to. I have not imprest one man from the shore, nor ordered any since my being in these parts, nor no were else, more then the orders from the Governour (for the time being) directs, which is to take one man in five out of all ships and vessels coming into this port, which has not been exceeded, having given as strict orders as possible to that purpose, and will use my utmost endeavour, if a live, to see them comply'd with ; the people in these parts are very buisy with their privateers, and 'tis by report what they generally write is seldom true ; if I had not more regard for the safety of the Queen's Island and there goods more then they have themselves, this Island would not be long out of the possession of the French, for I dare really believe that at this time (now these privateers are out) besides the soldiers, which are not above 350, there is not 1,000 effective men on the Island, so that there owne security must be forct upon them, for at this time here is neither Law nor Governour, so that every man in a manner seems to do what is right in his own eyes ; but I hope all will do well, and that things come into a right center, when are (*e'er* ?) H.M. shall be pleased to send a Governing soldier here. We are using all the dispatch we can in fitting our ships, which will be ready in a little time, considering my circumstances and a shattered legg having lain at this time 32 days on my back in this Torrid Zone. I have not as yett proceeded to try any of the Captaines which refused to do their duty, but hope in a little time to do it. The *Glo'cester* is careened, the *Kingstone* and *Ruby* are fitting for it. Our Powder decays mightyly in these parts, besides the consumption otherwise ; so that I humbly conceive it absolutely necessary that there be 15 or 20 rounds of powder, shott, parchment paper *etc.* sent here, if it is thought these ships shall continue in these parts. Those few men we have stands pretty well, but are so small in number that no great matters can be expected more than doing their endeavours when occasion may offer, which I hope never to see wanting again. I have ordered the *Dunkirk* to cruize off of the East end of this Island. *Signed*, J. Benbow. *Endorsed*, R. Jan. 6, 170⅔. *Enclosed*,

14. i. Vice-Admiral Benbow to the Governor of Havana. My Master the King of England has advised me that he had lent the great Fleet of England to the Emperour in order to transport his son the Arch-Duke of Austria with 40,000 men into Spain, where he is confident he will be received as their lawful King without the least

1702.

bloodshed or opposition, being well assured that 19 parts of 20 of all Spain languish with impatience for the happy opportunity, having had already a Tast of the French Yoake, and being seneible of the difference of being a Province to France (as in effect the Spanish Dominions now are), and living under the lenity of the House of Austria. I do not doubt but the work is begunn by this day and that in a very little time I shall have an account of it's being happily effected, and as there can be no doubt of the success in Europe, I am order'd to offer my assistance of ships and men to any Governour of the Spanish Indians who will be early in his service for the Austrian King, and want it towards their support and effecting so just a design as is giving a helping hand to the rescue of his Country out of Bondage and Slavery. Sir, I will not dwell long on this argument; every man sees by a thousand instances the Truth out, and most Spaniards already feal it; I will only add that I will with all the chearfulness imaginable execute my orders, and while there is a ship or man in my Master's Indias, I engage my honour they shall always be employed to support the just cause; and tho' I am informed the French at Madrid has endeavour'd to insinuate the Poyson of Dissention and to procure us all the unfriendly offices from the Spanish Governours, I am in hopes I shall allwayes find it was without effect, and that my Master's subjects will still find those Acts of Friendship from you that I am resolved at all times to do the Spaniards on all occasions. *Signed*, J. Benbow. 1¼ *pp.* [*C.O.* 318, 3. *Nos.* 5, 5.i.]

Nov. 30. **St. Kitts.** **125.** Governor Codrington to [? *William Popple*]. I am extreamly concerned I am not favoured with a letter from you by the pacquet-boat. I shoud have had I doubt not more distinct lights than have been afforded me either by my Lord N.[*ottingham*?] or my Lords [? *of the Council of Trade*] in relation to what is now designed. I cannot guess whether the scene is to be to Windward or Leeward of me—it seems to Leeward by the mention of Admiral Benbow—and how then can I be useful unles I had leave to quit my Government barely to attend my Lord [? *Peterborough*] in person? If the project be to Windward,—I doubt there are not land forces sufficient,—for the great and onely design we ought to have there should be noe trifling—wt. is to be done, such must be done by dint of force and resolution, the opportunity of surprize is past, and the enemy everywhere well intrencht and prepared—the little reputation I have gained has put them upon taking better measures for their safety. They are making the town of Port St. Pierre very strong with good bastions very well furnisht with artillery, but I hope it will not be finisht. Yet such a fleet with such a man at the head of it must not come to the Indys for nothing, and I shall not fail to tell my Lord he had better lose fifteen hundred men sword in

1702.

hand than twice as many with fevers and fluxes. We might have had Martineque last war for asking for, but we were modest; it will not come now so cheaply. My Lord is brave and determined—He will push and will be followed.—Miracles are sometimes done by bravery, and we must exert all we have. I have but one life to lose and my Friend and Country deserve it. I wish this had been deferred till the Northern Plantations could have assisted—they have great numbers of men. My Government can't afford half a tolerable regiment, and that 'tis impossible for me to get together, for the Enemy has twenty privateers out. They infest our very harbours every night, take all our vessells, and I cant send a letter from one Island to another with orders. Barbadoes can with ease furnish two good Regiments, which will I hope be ready, for I doubt not orders have been given the Fleet should not stay there a day,—to attend 2 or 3 hundred men from hence would doe much more prejudice than service. I shall send up a Gentleman to attend my Lord at Barbadoes with my opinion. I had prepared a very long letter for my Lord Nottingham, wch. I should have sent in 4 or 5 days from hence, but my scheme must be now useless, and 'twould be Pedantry to trouble my Lord with it—the dice are thrown, and we must expect the event.—When this is over, I shall deserve to come home, for I am unalterably determined to return—the vote has sunk too deep in my heart ever to be removed, and I act now very uncomfortably without pleasure and without ambition—If I live to see England, I will pas my life in my Library and be buryed in my garden. This gives me a pretence to lay hold of the offer you were pleased to make me, and to beg you will please to let one of your under gardiners plant me some fruit-trees and vines at Doddington. I doubt my Lord has executed but little there. His designs were too large to be finisht. I shall write to my Lord N[? *ottingham*] by 2 ships in a few days; if this, which goes by the way of Jamaica, arrive sooner, I beg you'l please to communicate it to him. I have not been honoured with any letter from the Lords these six months. I have writ by every ship, tho' Mr. Cary sends me word noe one has heard from me. *Signed*, Chr. Codrington. *Holograph.* 3¾ *pp.* *Enclosed*,

125. i. Terms of Capitulation of the French part of St. Christopher's. *Copy.* [*See Cal. A. & W.I.* 1702. *No.* 968.i.] 3 *pp.* [*C.O.* 239, 1. *Nos.* 3, 3.i.]

1703.

1703.
Jan. 1.
Admiralty
Office.

126. J. Burchett to William Popple. The Report from the Lords of the Council of Trade and Plantations upon the several petitions of the merchants trading to Virginia has been communicated to H.R.H.; and thereupon directions will be given for two ships of the fourth-rate to proceed from hence with the trade by the latter end of January, and at Virginia joyne two others, which Vice-Admiral Benbow is ordered to send thither from his squadron: all which ships will have directions to come from thence the first or tenth of July next, with the Trade that shall then be ready to accompany them. As for the other convoy in July next, the many other pressing services will not admit of the sparing four ships, but two of the fourth rate will be appointed to proceed at that time; and they will be seen well into the sea by other ships that will be particularly appointed. *Signed,* J. Burchett. *Endorsed,* Recd. 3, Read 4 Jan., 1702(3). *Addressed.* 1 *p.* [*C.O.* 5, 1313. *No.* 10; *and* 5, 1360. *p.* 351.]

Jan. 1.

127. Minutes of Council of Virginia. Upon reading several letters from Capt. Moodie, H.M.S. *Southampton*, wherein he uses diverse threatening expressions against Col. William Willson, Col. Miles Cory and Lt.-Col. Tho. Ballard, tending to the breach of H.M. peace, H.E. called in James Wallace, clerk, and declared that he intended to make use of him as an evidence for the Queen against Moodie. He was sworn and deposed that he saw one or two of the letters, but never was concerned in composing any of them. After making some denials, he admitted that he had heard Capt. Moodie threaten he would cane or horsewhip them. H.E. said that he was equivocating and ordered the Clerk to take note of it, whereupon Mr. Commissary Blair declaring that he had not observed any equivocation; H.E. demanded him to deliver his protest in writing, which he did.

Whereas complaint hath been this day made to H.E. in Council by Col. William Willson of Elizabeth City County that Capt. Moodie on Dec. 19, whilst Complainant with other Justices of the Peace was holding Court for the said County, did with several of his men belonging to the ship come to the said Court whilst setting, and there with his sword and cane in his hand walkt too and fro before the door of the said Court House to the terror of those that were present, and as soon as the Court was adjourned and the Justices came out of the Court-house, Moodie taxt the complainant with abuses, wch. complainant had offered him, and said he would have satisfaction and be revenged, and bid him to take heed to himself, for he would certainly be revenged of him before he left the country; and therefore praying H.E. that the honour and peace of the Government may be preserved and the lives of H.M. subjects secured; and whereas it appears by the depositions of several persons taken

1703.

before H.M. Justices of York County that Capt. Moodie at the Court House of the County of York, Sept. 24, did utter diverse threatening words and publish a certain writing against Col. Miles Cary, Naval Officer of York River, contrary to H.M. peace; Ordered that the complaint of Col. Wilson, with the depositions, be referred to Mr. Benjamin Harrison, H.M. Council at Law, for his opinion what can be done in law thereupon.

Col. Willson having made oath that by reason of Capt. Moodie's threatenings he has just cause to apprehend his life is in danger, it is the opinion of the Council that H.E. renew his commands to Capt. Moodie, requiring him and all officers and seamen under his command to keep the peace towards all H.M. subjects, and particularly towards Col. Willson, Col. Cary and Lt.-Col. Ballard, [*and that they*] be in like manner required to behave themselves peaceably towards Capt. Moodie and avoid coming into his company.

The Council having taken into consideration what will be best for H.M. service and the advantage of trade in relation to the ships now in the country bound for England, are unanimously of opinion that if Capt. Moodie, H.M.S. *Southampton*, is resolved to touch at Newfoundland, he is not a proper convoy for them. And whereas it is very probable that all, or most, of the ships now in the country will be ready to sail by March 4th, they are further of opinion that the embargo be continued till then, and that all such ships as shall be ready at that time sail in a fleet. And in case Capt. Moodie shall declare that he intends to proceed directly to England, then this Board do conceive it for H.M. service that H.E. issue his warrant to him to stay till March 4th in order to take the said merchants' ships under his convoy, it being but 4 weeks longer than the time he proposes to sail, and that it be left to Capt. Moodie to appoint the place where the said fleet shall make up.

Letter from the Commissioners of the Customs, intimating that they had appointed Sampson Trevethan to be Surveyor of the Customs in Elizabeth River, read and entered.

Upon the petition of James Bushell, Clerk, complaining against the Vestry of Marttin Brandon parish (*cf. Aug.* 15, 1702), ordered that Mr. Benjamin Harrison prosecute the said Vestry.

H.E. acquainted the Council that pursuant to the Order of Oct. 27 last, Mr. Benjamin Harrison, H.M. Counsel at Law, had reported his opinion upon the deposition of John Shoote, relating to some gold and a negro boy taken up by Capt. Lewis, Commander of the *Sarah* galley, out of a sloop belonging to New York, wreckt at sea, being the goods of John France, a passenger cast away in the said sloop, and that, upon enquiry, Capt. Moodie had informed H.E. that it was usual in such cases to allow one-third to the taker up for salvage and that the other ⅔rds belonged to the Lord High Admiral; upon which H.E. had directed his warrant to Lewis to pay two-thirds of the gold and of the value of the negro boy to Capt. Moodie, by whom he intended to send the same to H.R.H. the Lord High Admiral.

Petition of John Hilliyard of Warwick County praying that a horse formerly belonging to one John Welsh of the said County and become deodand, may be granted to him, was referred to Mr. Auditor Byrd.

Petition of Edward Ross praying that a survey may be made of the old burnt musquets etc. now in magazine at James City, and that the same may be ordered to be sold for paying contingent charges, referred to Mr. Auditor Byrd.

H.E. acquainted the Board that he intended to have laid before them several matters relating to H.M. Revenue, but Mr. Byrd not being here, he would defer it. [*C.O.* 5, 1409. *pp.* 268–271 ; *and* 5, 1412. *pp.* 23–26.]

Jan. 3.
Jamaica.

128. Christian Lilly to the Council of Trade and Plantations. I am sorry that I should have occasion to send your Lordship this ill news, but having the honour to serve H.M. as third Ingeneer of England as well as Chief Judge of this Island, I think it my duty to acquaint your Lordships that on the 9th of this instant between 11 and 12 of the Clock in the morning a fire hapn'd thro carelessness to break out in a warehouse at Port Royall, which before night consum'd all ye Town, and left not one house of it standing, by which meanes a great many people especially merchants are ruin'd. For this Town being scituated upon a smal Cay, now, of about Thirty Acres of Land, surrounded with the sea, and the whole place taken up with houses and the streets and lanes extreamly narrow, the poor people had not that conveniency of saving their goods as might have been expected in a place where they might have been more at large. However, H.M. forts and magazines have not thereby received any damage, nor any of the ships which lay here at anchor, except one brigantine and a sloop burnt ; and I hear that most all the merchands have saved their money and books, and some of them considerable quantities of goods through the assistance of boats from the ships of war *etc.* The Assembly of this Island immediately meeting upon this accident, are now about making a law for the people of this place to settle upon the mainland of Jamaica at a place called Kingston, and for to hinder Port Royall (which has proved so fatall a place to this country) of being a place of trade for the future ; because it is found upon examination that the fortifications built at Port Royal are of no security for the Island of Jamaica in general, since an enemy's ships of war may goe into Kingston Harbour without having occasion to come within a mile of this place, and that as to Port Royal in perticular, the same mischief which now has hapn'd thro' accident might have been done by an enemy with the expence of one single fireship ; besides the communication between it and the mainland would have been very inconvenient, if not altogether impossible in case of an attack, it being at least three miles distance from any convenient place of passage to it from the rest of Jamaica. If your Lordship should be desirous of seeing a draught of the chief settlements and fortifications of this Island, I did about 18 months agoe leave one with Mr. Povey,

1703.

Clerk of the Council, for Mr. Blathwayt, who had requested mee to do it. *Signed*, Chrn. Lilly. *Endorsed*, Recd. March 13, Read 15, $170\frac{2}{3}$. *Holograph.* 3 *pp.* [*C.O.* 137, 5. *No.* 91; *and* 138, 10. *pp.* 424–428.]

Jan. 3. **129.** Earl of Peterborough to [? *the Earl of Nottingham*]. My Lord, You were pleased to desire me to lett you know what might be wanting, or necessary to have imediat directions in, the arrival of the Dutch being in all probability so neer, My Lord to quicken the dispatch of the medicines agreed off, I sent 100*l.* for earnest, and we have reduced the demands from [? five] to 300*l.* that it might be more easy; if that money be not immediately advanced to Sir Tho. Millington we cannot have that provision without which it were barbarous to send troops into such climates. My Lord, I have done my utmost to solicit and procure what is necessary in all respects. and these medicines could not have been had for thrice the money by any other method. I have not been wanting to the utmost of my power to advance and encourage this service, but in some short time I expect to find everybody resolved not to go but those that must goe or hang. The Phythithian recommended by the Colledge now declines to serve, since he is offer'd but half the pay given to him that serves abord Bembo's fleet. Mr. Friend that sollicited by the Bishops of London and Rochester and his brother of Wesmister School to be Chaplain is really sick, or sick of the voyage. But, my Lord, at this time of day, I know nothing positive of the establishment. I know of no general officers as yet appointed and preparing to goe. I have tried all means to engage and fix my Lord Porthmore, but there is an irresolute and fond ~~humoursome~~ Lady in the case. I have persevered truely in my desires to serve the Queen and my country, that no alterations (tho' such as were not to my advantage), no coolnesse in others hath abated my zeal and steadinesse, but, my Lord, you would have an ill opinion of mee if you could think me so mistaken as to believe myself all-sufficient, besides this service of all others requires a succession of those fit to carry on the public design. It is a fatal circumstance in our Constitution that men engaged, and under characters that oblidge their duty, that such must be courted and entreated. It is not in my power to mend these absurdities, but it is so well known that troops must have officers to command them, that I think I may conclude the necessary measures will be taken. For my own part, it is enough to make me loose all hopes of future seasonable supplies and support, when I find such dificulties when I am presant, and yet am sensible of the favour of the Queen and the ministry more then I deserve. *Signed*, Peterborow. *Holograph.* $1\frac{3}{4}$ *pp.* [*C.O.* 137, 45. *No.* 37.]

Jan. 3. **130.** John Thrale to the Council of Trade and Plantations. *Prays* to be admitted to see all papers sent from New York relating to Mr. Atwood and Mr. Weaver, and such papers as may be thought proper to produce before H.M. in Council.

Signed, Jno. Thrale. *Endorsed*, Recd. Read Jan. 4, 1702(3). ¾ *p*. [*C.O.* 5, 1048. *No*. 10.]

[Jan. 4.] **131.** Mr. Mathews' account of what is due to clear the Four Companies at New York from Jan. 1, 169½—Dec. 24, 1702. *Signed*, Peter Mathews. *Endorsed*, Recd. Read Jan. 4, 1702. 2 *pp*. [*C.O*. 5, 1048. *No*. 11.]

[Jan. 4.] **132.** Saml. Allen to the Council of Trade and Plantations. In spite of the letters and orders of H.M. 1680, 1682 etc., Robert Mason and Allen have been kept out of possession of the unimproved lands in N. Hampshire. *Prays* the aid of the Board. *Signed*, Sa. Allen. *Endorsed*, Recd. Read Jan. 4, 1702. 2¼ *pp*. [*C.O*. 5, 862. *No*. 143; *and* 5, 910. *pp*. 330–333.]

Jan. 4.
Admiralty. Office.

133. J. Burchett to Wm. Popple. In a late report from the Council of Trade and Plantations, it is proposed that orders might be sent by two sloops to the Governors of Virginia and Maryland, for detaining the trade there to a certain time therein mentioned, that so it may come home entire with the appointed convoy. I am commanded by H.R.H. to acquaint you for the information of their Lordships, that there are not any sloops of H.M. in the way to be sent on this service, but that if H.M. upon it's being laid before her in Council shall be pleased to direct such orders to her said Governors, the said may be conveyed to them by the *Golden Lyon*, John Gundry, Master, and the *Baltimore*, Mathew Forster, which ships have letters of marque, and are, or will suddenly be ready to proceed from hence on their voyage. *Signed*, J. Burchett. *Endorsed*, Recd. Read Jan. 5, 1702(3). *Addressed*. 1 *p*. [*C.O*. 5, 1313. *No*. 11; *and* 5, 1360. *p*. 352.]

Jan. 4.
Whitehall.

134. Journal of Council of Trade and Plantations. Letter from Mr. Burchet, Jan. 1st, in relation to convoys for the Virginia and Maryland trade, read. Mr. Perry with some other merchants of this City being occasionally without, they were called in, and the said letter communicated to them. Ordered, that it be communicated to Sir William Dames and other gentlemen who have appeared here in behalf of the Western Ports.

Order of Council, Dec. 31, read. Directions given for preparing an Instruction for Sir Beville Granville accordingly.

Order of Council, Dec. 17, read. Ordered that the same be sent to Col. Codrington.

Mr. Champante, Capt. Matthews and Mr. Thrale all attending according to order, Mr. Champante offered to produce witnesses that the cloathing sent by him in 1700 for the soldiers at New York, they being then but 200 men, were received; and the same was acknowledged by Capt. Matthews himself, only with these observations, that about the same time 200 soldiers more arrived at New York from Jersey and Ireland, and that Lord Bellomont was told that they ought to have had new clothing, whereupon Mr. Champante said that Sir Charles Hara,

1703.

out of whose regiment part of those soldiers were detached, did receive 300*l.* for that service, and Capt. Matthews further observed that there was no mounting sent along with the said cloaths, which Mr. Champante agreed to. Whereupon the present agents for Lord Cornbury and New York (Capt. Matthews and Mr. Thrale) were directed to take care that a mounting be sent along with the next cloathing. As to the clothing last sent by Mr. Champante, he produced a letter from Capt. Nanfan of Oct. 5 last wherein he writes that the said cloathing were arrived there and was seemingly well, and Capt. Matthews owned that when he came from New York, Oct. 14, he had heard that the said cloths were arrived; but that having been some days before with Lord Cornbury at a place about 80 miles distant from New York, his Lordship had then not heard of their arrival. As to the subsistence of the soldiers Mr. Champante complained that Capt. Nanfan had been obliged by the Lord Cornbury to subsist them till May 9th, which Capt. Matthews owned also to be true, and Mr. Champante thereupon declared that the subsistance he had received for the soldiers did reach no further than Dec. 24, 1701. So that allowance ought to be made for so much as have been paid more than received, in which he desired their Lordships' assistance. Capt. Matthews', Mr. Champante's and Mr. Thrale's accounts were laid before the Board. After which their Lordships exhorted the several parties to meet together friendly, to settle these accounts between themselves, and to acquaint this Board with the result of that meeting, in order to their further proceeding.

Order of Council, Dec. 31, 1702, read. Ordered that Mr. Weaver and Mr. Atwood be given notice thereof, and that the reasons transmitted by the Lord Cornbury for suspending them and his articles against them, will be communicated to them when they please to call.

In answer to Mr. Thrale's Memorials, the said papers were delivered to him. He was directed to take care that Mr. Attorney and Mr. Sollicitor General be instructed in the matter, in order to their attendance at the time appointed, and that Col. Lodwick, and other Gentlemen of New York, capable to give information in those affairs, have notice to attend also at the same time.

Memorial from Samuel Allen, relating to the Propriety of New Hampshire, read. Upon consideration of what was further offered by Mr. Asher and Mr. Wharton, they were directed to draw up in writing a state of Mr. Allen's case, in order to the forming of proper questions, upon which the Attorney General's opinion may be taken in point of Law.

Jan. 5. Letter from Mr. Burchet, Jan. 4, read.

Order of Council, Dec. 31, relating to the Virginia Convoy, read, and orders given for preparing Instructions accordingly. Their Lordships took into further consideration the Draught of a Charter for the importation of Naval Stores from New England, which was brought hither by Mr. Wharton, and having struck out several clauses relating to lands, inserted several provisoes. [*C.O.* 391, 15. *pp.* 342–350; *and* 391, 97. *pp.* 1–10.]

1703.
Jan. 4.

135. Minutes of Council [*and Assembly*] of Barbados. Letter from M. Sabarett read, desiring to know why M. Casali was not returned hence with the French prisoners.

Letter from Lt.-Coll. Willis read, giving an account that the French that came in this pretended flagg of truce had contrary to the custom of all places landed themselves with their arms without any leave from the Government, whereupon he secured them under a guard, believing them to be spies. The Board sent for and examined several of them, and then ordered that a further search be made and their papers secured, and they to continue under custody till the truth of their designs should appear.

William Hart said that he was informed that they had privately landed a chest in which was supposed to be some private orders; whereupon he was impowered to demand the key or, in case of refusal, to break open the chest and examine the papers therein, and give an account to the President.

Proclamation ordered for the encouragement of them that shall bring in some seamen that have absented themselves from the service in the ships that lately arrived from the East Indies. The Assembly having sent in their answer in writing to the President's Speech, it was entered as follows:—'Twas with no slight dissatisfaction that we heard the harsh interpretations of and severe remarks that your Honour made upon our well-meant words and well-intended actions, and being willing to give all just satisfaction to modest enquiries into our past behaviour towards your Honour, and to prevent misunderstandings hereafter, we humbly offer this answer. We presume we need not to be told, for we sufficiently know and are heartily thankful for the matchless goodness of our present true English Establishment as well in Church as State, and believe therein Prerogative and Privilege are so wisely blended that it can neither be the true interest of the Prince or People to subvert or invade either of them, and believe also that whoever shall endeavour to alter the present happy temperament, either by carrying Prerogative higher or running liberty lower, are equally enemies to our present constitution. for it it were left to our option, we would not have Prerogative less, because we could not then have our liberties maintained. nor would we have privilege less, because we could not be secure from tyranny and oppression, if a bad Prince should come to the Throne. We need not also be informed that it is as well the interest as duty of every single member in our Government to be diligent in the performance of their several charges *etc.*; but we are not conscious that we have prevaricated or much neglected our duty. We question not (now) either the sincerity or diligence that your honour or the hon. Members of H.M. Council have used in the dispatch or promotion of things for the public good, because recrimination is not our business, but can avow with truth that the not making a quorum of our House and our quick adjournments have often been due to inclinable [*sic*] circumstances. How ungrateful it was to your Honour and with what irksomeness you undertook the trouble

1703.

to tell us in a set speech that we dishonoured our Gratious Queen, disparaged her Government and lessened her authority, we know not, but you may be assured it was very unpleasant to us to hear, whereas, through the whole course of our lives our actions have been a continued manifesto (even to the most malitious) of our strict loyalty to the Crowne, and our firm adhesion to the established Government. We abhor, detest and abjure all persons and things that look that way. We have also lookt back (according to your Honour's advice) into the past deportmt., and can't find upon the nicest scrutiny anything therein of that complexion. We suppose and humbly conceive that upon a faithful representation of our actions and conduct in the Bill for taking up and fitting of vessels of war for H.M. service, in the securing our trade here, and placing them in a true light, we shall not appear to [be] dispassionate and disinterested men in those ugly colours your Honour was pleased to draw us in. For after we had resolved upon taking up vessels and raising men for that purpose, without the least hesitation, we fell upon the consideration of ways and means, our Treasury being then altogether out of cash, in which we met with some almost insuperable difficulties, for we considered then that money to arise from any tax to be laid *de futuro*, could not possibly be collected near so soon as the unfortunate exigence of our affairs called for it, therefore thought upon giving encouragement by a law for the present advance of money by Loan, persuant to which we had conference with several Gentlemen and spent a great deal of time in perswading them to the terms (which were hard enough) mentioned in that Bill, with which we immediately waited upon your Honour with the accustomed formalities, where our Speaker delivered the Bill himself, and each Member all the while standing and bare, which are tokens of our inferiority. Mr. Speaker did by command of the House give your Honour to understand that we could not consent to any alterations in that Bill, and that it must pass as we brought it in or want the money (now your Honour may please to consider that this is a disjunctive proposition) for the equipping our vessels, which if we did, the evil consequent thereon would be chargeable to your Honour, and that we must thereby be forced to dismiss the vessels, and that we would adjourn our House, having no other business of moment. Upon which a Member of H.M. Council told us, we came and popt a Bill upon them, which we took to be a treatment as unsuitable to a gentleman of his character to offer as for men in our post silently to take, and therefore by our Speaker signified the dislike of that expression, because it seemed to insinuate that he believed we were about to use some trick or leger de maine to betray your Honour and Council into a consent to that Bill so formed. We can't believe that by pressing your Honour to pass that Bill without alteration, we gave the least shadow of a just suspicion that we intended to impose either upon your loyalty or understanding or went about to usurp a dominion or superiority over you, and so invert the order or spoil the harmony of Government.

We suppose it only demonstrated the almost irresistable force we were under from the pressure of our affairs and the inflexibility of the tenders. You may with as much truth infer that the Gentlemen we treated with for the loan were guilty of as high an usurpation upon the Assembly for saying we must pass that Bill for their satisfaction or want that money. That we afterwards consented to the amendments you made in that Bill shewed evidently that it was force not choice that did before determine us.

We hope to make your Honour's heavy charge against the Speaker to arise from your misprision of our meaning, and some undue and illogical inferences. The Assembly being apprised by several of your Honour's purposes to send off the Flag of Truce with the French prisoners to Martinceo, and that a Gentleman almost unknown to most of us and a non-resident here, who is a professed Papist, was chosen for that service, we considering the evils that might probably surveen thereon thought it our duty to supplicate your Honour not to employ that person, and to accept of a Gentleman that we recommended. Your Honour replied with some seeming dissatisfaction, saying that we would in a small time sue possibly for another change, and expect upon every slight and trivial occasion to move your first conclusions. Mr. Speaker rejoined that it could not be easily thought that whatever the whole Representative body of the House should address for should be slight : that we lookt upon ourselves to be the Great Council of this Island, and that we were chosen by the general suffrage of the freeholders, and were as watchmen set to observe carefully any danger, tho' distant, that seemed to threaten this people, and humbly to admonish (or if that word displease to advertise) you thereof, that your Honour might out of your great care and prudence timely provide against it. To suppose us to mean by that expression, the Grand Council, that we were superior to your Honour in dignity and had a paramount to or coesive [*sic*] power over you, was to think us in a lunacy that rendered us fitter for Bedlam than an Assembly. We could not in a sound sense mean otherwise than that we were the Great Council in respect of numbers, in which sense we suppose that the House of Commons are often called the Great Council of the Nation. That we are a Council, we presume will be allowed because your Honour's writ calls us to advise *etc.* Upon hearing these reasons, we expect your Honour will not think our late proceedings inconsistant with H.M. honour and power, or subversive of her Government. Good God! Did we ever so much as dream that we should be charged with want of allegiance.

As to the unparalleled invasion of H.M. Prerogative which you lay to our charge for equipping the vessel of war, we must confess that the urgency of the thing, and the recess of your Honour and Council at that time enforced us to act singly some preliminaries only, which we would not otherwise have done without your privity. For this hasty proceeding we did at our next attending your Honour show the reasons, with the which we thought you then rested well satisfied, for after that we carried

1703.

on the concern jointly without any disagreement. We acknowledge no difference [*deference ?*] due from us to H.M. Council here, more than that which civil respect and reason, not duty, exact, for we are one of the constituent parts of our Legislature here, and the subordinate too, yet indipendent on the Council, and enjoy a negative voice equal with them.

As to our neglect of the People's welfare which you deduce from our seldom making a session of our House and our speedy adjournment when made, we can't plead altogether not guilty, but may plead in extenuation inevitable accidents, viz., sickness, death of relations, lameness of horse *etc.* Our Quorum is very great (15) in proportion to our number, 22. But though we confess ourselves in this matter in some degree faulty, we think the reprehension a little too rough, and a less reprimand had been better from your Honour.

The sense of gratitude for H.M. late righteous, yet gratious grant for the right application of the 4½ *per cent.,* which then inferr [*sic*] we want, we doubt not but our acknowledgments and retributions hereafter (when we know the whole of the grant) will evince to be faulty.

As we have never yet, and religiously resolve never hereafter to attempt the least encroachment upon the prerogative of the Crown, or your Honour and Council's rights. so also we resolve zealously to maintain by all lawful means our rights and privileges inviolate.

It would seem that we are not under such an infatuation as not to know the danger of distempers in Governments, and the folly of divisions and heats in Councils, for whatever our resentments were, we have now stifled them, to show that nothing shall be wanting on [y]our part to restore a good understanding between us.

Capt. Wm. Miln appointed to command the brigantine *Larke* in place of Capt. John Martin.

Wm. Heysham was granted a drawback on wine turned sour. [*Ink much faded in parts.*] [*C.O.* 31, 6. *pp.* 336–347.]

Jan. 4. **136.** Minutes of Council of Bermuda. Ordered that George Larkin be committed to H.M. Castle for several indignities by him done to the Commission of his late Majesty wherein he is nominated a Commissioner for trying of pirates in these Islands, and for other repeated crimes, affronts and misdemeanours, for declaring himself an opposer to Governor and Government in the time of the quiet administration of the same, and for his most scandalous, lewd and debauched practices by him done and perpetrated in these Islands, as by several affidavits hath appeared contrary to the peace *etc.*, and there to remain and continue till H.M. pleasure be further known.

The Justices complain against Dr. Josias Starr. A warrant issued for taking him up.

Upon reading a letter from Col. Day desiring H.E. to deliver up the bond to Mr. Mears, the Appeal bond about the house, and the bond for the 50*l.* fine ; as to the first Charles Walker

1703.

acquaints the Board that he was Attorney for Mears here, and he lately received from him an Order from his late Majesty for taking the said bond, and therefore he conceives he cannot deliver it up without some other particular order for the same ; and the rest of the Council here present conceive that it ought not to be delivered up by the tenour and meaning of H.M. last Order, the former Order not being repealed. Copies only ordered to be delivered, but H.E. and this Board do not intend any let or molestation thereby to hinder Col. Day from going over to England in pursuance of H.M. Order. As to the second bond, it is the unanimous opinion of the Board that the same being an original bond of Appeal by Col. Day craved from a decree in Chancery here entered in to H.M., that the same bond ought not to be delivered up, only a copy, which [*he*] already hath. Ordered that the said Bond shall not nor can be put into any prosecution until H.M. pleasure be further known therein, and that in the interim no let or molestation shall be made to Col. Day, but he may depart with all the expedition he pleases. As to the bond for the fine, H.E. hath acquainted the Board that pursuant to the power given him in H.M. Instructions, he hath some time since, upon Col. Day's petition about April last, transmitted and respited the same to H.M. consideration in favour of Day, and therefore this Board is humbly of opinion that the said bond ought not to be delivered up without further directions from H.M., and that it is of great opportunity and an advantage to Col. Day in his expeditious dispatching home to England.

Ordered that the Secretary wait upon Col. Day for a copy of the petition mentioned in H.M. late Order, that the Secretary may give copies as by the same petition is desired with all expedition. [*C.O.* 40, 2. *pp.* 52, 53.]

Jan. 4. Portsmouth. **137.** Minutes of Council of New Hampshire. *Present:* H.E. Joseph Dudley, the Hon. Wm. Partridge, *etc.* H.E. having communicated a letter from the Council of Trade and Plantations, Sept. 15, 1702, relating to the rebuilding the Fort in Piscataqua River, where the present Fort now stands, as also a strong Tower on the point of Fryer's Island, a battery on Wood Island, and another on Clerk's Island, Ordered that a General Assembly be called and writs issue for their meeting on Jan. 12.

H.E. communicated another letter from the Council of Trade and Plantations, June 12. 1702, Whereupon it was ordered that Henry Penny, Clerk of the Peace, make out a true copy of all the fines escheated for this seaven years last past, and deliver said copy to the Governor and Council within five days ; and that Charles Story be allowed a copy of the complaint against him signed by Edward Randolph, and that he give in his answer to this Board in writing in 7 days' time ; and upon the clause of the Memorial of Mr. Wall as relating to Capt. Ichabod Plaisted, that Plaisted attend H.E. thereupon next Council day. To the next clause of the same letter referring to certain enumerated commodities seized by Mr. Sheafe, the Lieut.-Governor and Council informed the Governor they had directed a new seizure

1703.

of the enumerated commodities, which was four baggs of cotton-wool, and that there is judgment for the Queen in the Inferior Court, which they hope will be affirmed at the Superior Court notwithstanding the owner, or claimer has appealed, from the said Inferior Court to the said Superior Court.

In obedience to the last clause in the same letter, referring to the Acts of the Province, Ordered that the Secretary with all expedition make out a true copy of all the Laws now in being of this Province, and particularly an Act for raising of 550*l*., in order to be sent to the Council of Trade and Plantations.

Petition of Joseph Stephyns, late Commander of the *Katherine*, relating to a special Court, was read and referred to the consideration of the next Assembly. [*C.O.* 5, 789. *pp.* 117, 118.]

Jan. 5. Whitehall. **138.** William Popple to Sir William Dains and Robert Yates. *Enclosing* Mr. Burchett's letter of Jan. 1, relating to Virginia convoys. [*C.O.* 5, 1360. *p.* 353.]

Jan. 5. Whitehall. **139.** Mr. Popple to William Atwood and Thomas Weaver. The Council of Trade and Plantations acquaint you that H.M. has been pleased, by Order in Council, to appoint that you be heard before H.M. in Council by your Council learned in the Law upon the complaints against you that have been transmitted hither by the Lord Cornbury, which I am to communicate whenever you call. [*C.O.* 5, 1119. *pp.* 329, 330.]

Jan. 5. **140.** Minutes of Council of Virginia. Capt. Moodie (*see Dec.* 31, 1702) having sent copies of his Order from the Lord High Admiral and Capt. Leake, the same were read, together with Capt. Moodie's letter of Jan. 4 which enclosed them. H.E. declared that as to what Capt. Moodie says, that to give copies of his orders, he never heard of any president for the like, H.E. thinks it is without precedent to deny them; that as to his being now under the orders of the Lord High Admiral, and so not safe in obeying another's, it doth not appear that the said Orders of the Lord High Admiral doth exempt Capt. Moodie from obeying the orders of this Government so long as he remains within the Capes, but if Capt. Moodie doth insist upon it, then H.E. hath nothing further to say to him. H.E. has always had copies of the Journals from the Commanders of the ship of war attending here; and as to the copies of Capt. Moodie's 52 general Instructions which he sent up, it is the opinion of this Board that it doth not relate to H.E. and Council, but only to the Masters of ships.

Upon reading the copy of Capt. Moodie's Orders from the Lord High Admiral and from Capt. Leake, with his letter of the 4th inst., wherein he saith that he designs as soon as may be to follow his orders and endeavours for Newfoundland if possible, and that he should be glad to know what his Excellency and the Council will propose for H.M. service in his way, Ordered that a full Council will be held on Jan. 13 to consult what shall be most for H.M. service and the benefit of trade on this occasion.

1703.

H.E. ordered to be inserted in the Journals of this Council that Capt. Moodie did show his Orders to the Clerk of the Council at Williamsburgh, though now he makes such a scruple of giving copies of them to H.E.

Whereas Capt. James Moodie, H.M.S. *Southampton*, and Thomas Layton, purser, have by their letters to H.E. represented that they want credit for 100*l*., and pray H.E.'s note on Mr. Bertram Servant for so much. H.E. was pleased to declare that though he had no benefit or consideration for advancing money for the use of the said ship, he would give them credit for 100*l*. in Mr. Servant's hand upon Capt. Moody's and Mr. Layton's signing bills on the Commissioners of the Victualling Office for the like sum payable to H.E.

H.E. acquainted the Council that forasmuch as he had received diverse complaints from Capt. Moodie against Col. Willson, Col. Cary and Lt.-Col. Ballard, and also complaints by Col. Willson and Col. Carey against Capt. Moodie, he intended next Council to grant a Commission to several gentlemen to meet at the Court House of Elizabeth City County for taking deposition of witnesses for either party. Ordered that Capt. Moodie have notice thereof.

Ordered that Mr. Benjamin Harrison attend the Board on Jan. 13.

Ordered that the Collector and Naval Officers give notice to the Commanders of ships to make what dispatch they can in their loading, and that (though the embargo is not yet taken off) a full Council will be held at Williamsburgh, Jan. 13, for considering of the most proper time for their sailing in a fleet. [*C.O.* 5, 1409. *pp.* 272, 273; *and* 5, 1412. *pp.* 26, 27.]

Jan. 7. [7. 11th month, 1702.]

141. Jos. Wyeth and Theodor Eccleston to the Council of Trade and Plantations. Objections offered by several persons commonly called Quakers on behalf of our Friends in Maryland against the *Act for the establishment of Religious Worship*. (i.) The assessment of the 40*lb*. tobacco *per* poll is a breach of the liberty of conscience established by the Laws of Maryland. (ii.) It is enacted that it shall be lawful to every Minister to receive of every person or persons by him married 5*s*. sterl. and no more; by the meaning of which Law no more was intended than 5*s*. for each marriage, but by the penning of it 'tis evident that the Minister may exact 10*s*., which is an extravagant and unreasonable sum. (iii.) By the said Law Vestrymen and other persons are obliged to subscribe the Association, which was enacted by the Act made in 7 Wm. III, whereas the obligation of the subscribing the Association ceased as the said persons are advised by the death of King William, and by an Act made in her present Majesty's Reign, it is enacted that so much of that Act as relates to the Association, or requiring any person to subscribe the same, shall be void. (iv.) By the said Law, the Register of the Vestry and Church Wardens, before they be admitted to their offices, are obliged to take an oath for the due execution of their offices, which oath the Vestry are empowered to administer, but the form of the oath is not prescribed, as it ought to have been.

(v.) The Law confirms all registries or entries of any births, marriages or burials. heretofore made with any Clerk of any County Court, according to the directing of such Laws as were then in force, "*before any of those Laws were in being*," which is insensible and unintelligible. (vi.) There is a clause in these words, "And the payment of wch. parochial charges, all the fines, forfeitures and mulcts by this Law incurred, shall be levied by the Church Wardens in each respective Parish. and by them accordingly applied," which is insensible, and the meaning cannot be collected without adding some words to explain it. That part which directs the levying of all fines *etc.* by the Church Wardens is inconsistent with the Law, for some of the fines are by the words of the Law to be recovered in H.M. name, and neither those fines, nor indeed any other, can be levied till judgment be had against the offenders. and after judgment no execution ought to be made but by process directed to the Sheriff, and the giving of power to Churchwardens to levy money on a judgment in any Court, is a thing of the first impression, especially as in this case, where they are to levy the forfeitures ex-officio, and no appointment by the Act for any execution or other process to be directed to them. If it be construed that by this clause the forfeitures are to be applied to the repairs of the Churches and other parish charges, it is repugnant to the preceeding clauses, wch. give the forfeitures absolutely to the King. (vii.) By the said Law, the Quakers are to have the benefit of the Statute that enacts the accepting their solemn affirmation instead of an oath, but then they are to conform themselves in all things to the rites and orders enjoined by the said Act. One thing required by the Solemn Affirmation Act is the payment of great and small tythes and Church Rates, and upon refusing to pay, two Justices of the Peace to examine and ascertain the duty, and direct the payment of it, not exceeding 10*l*., and upon non-payment, one Justice of the Peace to levy it by his warrant. By this clause a greater hardship is put upon them then upon the rest of H.M. subjects, because they are not only subject to the 40*lb. per* poll, but also the great and small tythes, for the 40*lb*. is to be levied by the Sheriff, and the power of ascertaining and levying the tythes is vested in the County Court. And therefore if they had intended that only the 40*lb. per* poll should have been paid, and not any tythes, they ought to have enacted that the Act of Solemn Affirmation should be in force in all things except such part as relates to the payment and levying of tythes. (viii.) By the Law of Maryland for Religion, which was confirmed here about 1650, it is enacted that all who profess one God and faith in our Lord Jesus Christ should live unmolested, by which liberty so secured no small number of Protestant Dissenters were encouraged to transport themselves thither, to the great improvement of that Province, which is become so profitable a Colony to this Crown, that the produce charged in the Customs here are near six times its first value. To add these new and burthensome taxes, seems to discourage and dispeople this industrious and profitable Colony. They hope that an Act in which there are such errors and mistakes will be not thought fit to be reported to the Queen for her Royal Assent. *Signed*, Jos. Wyeth, Theodor Eccleston. *Endorsed*, Recd. Read Jan. 7, 1702. 3 *pp.* [*C.O.* 5, 715. *No.* 65; *and* 5, 726. *pp.* 140–145.]

Jan. 7. St. James's. **142.** Order of Queen in Council. Referring enclosed petition to the Council of Trade and Plantations, to examine and report a true state of the case, with their Lordships' opinion what they conceive fit for H.M. to do therein. *Signed*, John Povey. *Endorsed*, Recd. 23rd, Read Jan. 26, 1702(3). ¾ *p.* *Enclosed*.

142. i. Petition of Robert Lee, executor in trust for the younger children of the Earl of Sterling decd. The said Earl being Proprietor of a large tract of land in America comprehending the greatest part of the Province of New York, and an Island known by the name of Long Island with divers privileges and jurisdictions thereunto belonging; did, in or about 1663, assign and release to your Majesty's Royal Father then Duke of York all his said interest, and deliver up all the patents and deeds relating to the same in consideration of 3,500*l.* agreed to be paid unto him. On Nov. 10, 1674, no part of the purchase money being paid, his said Royal Highness by his deed of that date reciting the consideration aforesaid, did grant unto the Earl an annuity of 300*l.* *per annum* out of the profits of the said Province during the life of the said Earl, who died Feb. 5, 1690, and by his will left the arrears of the said annuity as part of the provision of his three daughters and three younger sons, and the same due at his death and the interest thereof since amounts to 8,256*l.* By the accession of his said Royal Highness to the throne, the said Province became part of the inheritance of the Crown, has continued so ever since, and is now in the possession of your Majesty. The said Earl in his lifetime and your petitioner since his death, in behalf of the said younger children have made frequent applications for the payment of the said debt, and some orders have been given concerning the same, but hitherto without effect towards the discharge thereof. The said debt is a great part of the provision depended on by the daughters and younger sons of the said Earl, whose ancestors were long and faithful servants of your Majesty's Royal Progenitors. *Prays for* the payment of the said debt, or in lieu thereof to regrant Long Island. *Copy.* 2 *pp.* [*C.O.* 5, 1084. *Nos.* 12, 12. i.; *and* 5, 1119. *pp.* 358–361.]

Jan. 7. Admiralty Office. **143.** Lord High Admiral to H.M. in Council. Proposing that H.M. "empower mee to order Vice-Admiral Benbow or the officer commanding the squadron, to put the sentence" (*passed on Capts. Kirkby and Wade*) "into execution by shooting to death the aforesaid Captains as a just punishment for their crimes,

1703.

and as a necessary example to deter others from being guilty thereof for the future," and that the sentence upon Capt. Constable be confirmed. *Signed*, George. *Endorsed*, R. Jan. 9, 170$\frac{2}{3}$. 3 *pp.* [*S.P. Naval*, 7. *Under date.*]

Jan. 7. Whitehall. **144.** Earl of Nottingham to the Council of Trade and Plantations. The Queen commands me to acquaint you that shee has appointed Col. John Seymour to be Governor of Maryland, and would therefore have you prepare a draught of such Commission and Instructions, as you shall judge necessary on this occasion and present the same to H.M. *Signed*, Nottingham. *Endorsed*, Recd. Read Jan. 11, 1702(3). 1 *p.* [*C.O.* 5, 715. *No.* 67; *and* 5, 726. *p.* 150.]

Jan. 7. St. James's. **145.** Order of Queen in Council. Upon reading a report from H.R.H. Prince George of Denmark, Lord High Admiral, Jan. 4, upon the petition of the owners of the *Golden Lyon* and *Baltimore* [*see* Jan. 4], praying that, in consideration they have received Letters of Marque and are of good force, the Governors of Virginia and Maryland may lay no embargo on them, ordered that the Council of Trade and Plantations prepare instructions for H.M. Signature to the said Governors accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 11, 1702(3). 1 *p.* [*C.O.* 5, 1313. *No.* 12; *and* 5, 1360. *pp.* 356, 357.]

Jan. 7. **146.** Memorandum of preceding. ¼ *p.* [*C.O.* 5, 715. *No.* 66.]

Jan. 7. **147.** Journal of Council of Trade and Plantations. Mr. Eccleston and Mr. Wyeth presented a Memorial in behalf of the Quakers of Maryland, which was read. Ordered that the Order in Council, June 5, 1701, be sent to those Gentlemen, and that they be acquainted that if this Act contain in it anything different from the Bill prepared at this Board, and directed by the said Order to be sent to Maryland, then their objections will be considered; if not, their Lordships must lay it before H.M. for her approbation.

Ordered that in the next letter to Maryland, the President and Council be advised to endeavour to get an Act passed there conformable to the clause relating to the Association in the late Act of Parliament entitled *An Act to declare the alteration in the oath appointed to be taken by the Act intituled an Act for the further security of H.M. person etc.*

Mr. Weaver attending the Board, and desiring in the behalf of Mr. Atwood and himself that they may have copies of the Depositions formerly transmitted by the Lord Cornbury against Mr. Atwood and him, the Address of several of the inhabitants of New York to Lord Cornbury, and the Minutes of the Council of New York during his being a Member thereof; he was acquainted that they might have copies of the two last, but as for the two first, the Board could not do it without orders, and therefore, if he thought fit, he might apply to H.M. this evening in Council for her direction.

1703.

Jan. 8. Their Lordships agreed to the alteration in the draught of a Charter for importation of Naval Stores etc. as directed by the Minutes of the 5th instant, and ordered the same to be sent in a letter to Mr. Wharton, which being also laid before the Board and approved of, the same was sent accordingly.

Ordered that a letter be writ to Mr. Penn, to acquaint him that their Lordships are in expectation of the certificate of security, having been given for Col. Hamilton, according to what was intimated to him the 10th of the last month.

The draught of an Instruction for the Governor of Virginia and the President and Council of Maryland, enjoyning them respectively to take care that during this time of war no ship do saile from those parts without convoy, as also a letter to transmit the same to the Earl of Nottingham, were agreed, and ordered to be transcribed. [*C.O.* 391, 15. *pp.* 350–354; *and* 391, 97. *pp.* 13–18.]

Jan. 7. **148.** Minutes of Council [*and Assembly*] of Barbados. William Rawlin paid 75*l.* for six months' service as Clerk of the Assembly.

The Assembly attending, the President recommended to them again an enlargement of the sum apposited for the reception of the Governor and the Earl of Peterborough; the sum appointed being too little to entertain persons of their quality, and the Members of this Board, who were appointed to make provision for that purpose, did desire to be excused, therefore desired they would appoint some others. That money be raised for paying seamen that went in the country's service in the *Larke*, and that she might be fitted again, having lain some time useless and spoiling in the Rhoad. That care be taken for provisions for the men that came up in the first Flag of Truce, their own being already consumed, and also that some care be taken of those that are taken upon suspition of being spies; also to buy lights for the Fort where the Guard is kept; also urged the necessity of having money ready for several other emergent occasions, for want whereof a sloop could not be procured to give Col. Codrington an account of the arrival of the forces here. That they would give an answer to the petition of the Hon. Sam. Cox. The Assembly withdrew.

Ordered that the Treasurer do pay to the Commissioners appointed for fitting out vessels of war all such money as he has already received by virtue of the Acts on negroes.

Commissions issued for the trial of Caesar Brooks.

Ordered that the Attorney and Solicitor General make their report as to the pretended Flag of Truce that lately came from Martinico, and prepare a Proclamation for apprehending all persons that came in her.

The Assembly announced that they had added 70*l.* to the 100*l.* for the reception of the Governor, and had appointed a Committee to employ it; that they consented to the providing for the French that came in the first Flag of Truce, but that the last should be maintained by their own provision whilst it lasts; that they are not yet able to fit out the *Larke*, and desire the

Commissioners appointed for fitting her out may cease proceeding any further, and that no more men be sent on board then is absolutely necessary to look after the vessel; that care will be taken at their next meeting to raise money to pay off the men that went out in her, by subscription or otherwise, and desired that for the future no officers might be appointed for her without being first recommended by them; that they had consented that lights should be provided for the Guards at the public charge; they would answer Mr. Cox's petition at the next meeting. They desired that the man-of-war might upon sight of our fleet, which is daily expected from England, come in before them and make a signal, to prevent an alarm, which otherwise will be a very great charge as well as a fateague to the people. The Assembly withdrew.

Payment of 170*l.* ordered for entertaining the Governor. [*C.O.* 31, 6. *pp.* 347–351.]

Jan. 7. **149.** Journal of Assembly of Barbados. The House met by a special summons from the President. Absent Members fined, and others excused upon good reasons by letters. *See preceding abstract.*

Committee appointed for the reception of the Governor; the charge of that entertainment not to exceed 170*l.* Resolved, that if the President and Council think the providing for the persons brought hither in a Flag of Truce be for the service of the Country, this House will consent thereto; that the French prisoners now on guard are not to be provided for till their own provisions are expended on their own uses; that all the men in the brigantine *Larke* be discharged but what are necessary to take care of her whilst at anchor.

Resolved, that no more money be raised for her without this House is admitted to have their recommendation of officers, as in the case of the Treasurer and Storekeeper of the Magazine; and in such case this House will raise money by contribution or otherwise for payment of the men belonging to the *Larke.* [*C.O.* 31, 7. *pp.* 29–31.]

Jan. 7. **150.** Minutes of Council of New Hampshire. H.E. communicated a clause in a letter from the Council of Trade and Plantations, July 24, 1701, referring to a Memorial of Edward Randolph, relating to a seizure made by Mr. Sheafe, Deputy Collector, of a Jersey vessel, Mr. Mountesse, master, with contraband goods, upon which Mr. Sheafe was heard, and directed in a short time to offer to the Governor and Council what he had to alleadge thereupon. [*C.O.* 5, 789. *p.* 121.]

Jan. $\frac{8}{19}$. Fort Kijkoveral, Rio Essequebo. **151.** Samuel Beeckman to [? the Dutch West India Company]. *Signed*, Samuel Beeckman. *Dutch.* $8\frac{1}{2}$ *pp.* *Enclosing*,

151. i. List of papers sent by the *De Jonge Jan.* *Dutch.* $1\frac{1}{4}$ *pp.*

151. ii. Invoice of cargo of the *Pymene*, laden in the River Essequebo, 1703. 1 *p.* [*C.O.* 116, 19. *Nos.* 16, 16. i.–ii.]

1703.
Jan. 8.
Whitehall.
152. William Popple to Mr. Eccleston and Mr. Wyeth. Enclosing Order of Council, June 5, 1701. If the Act lately transmitted from Maryland *for the establishment of Religious Worship*, contain in it anything different from the Bill therein referred to, then what objections you may have to make of that nature will be considered by the Council of Trade and Plantations; if not, their Lordships think themselves obliged to lay the said Act before H.M. for her approbation. [*C.O.* 5, 726. *p.* 145.]

Jan. 8.
Whitehall.
153. William Popple to Mr. Wharton. The Council of Trade and Plantations do not approve of the Clauses 2, 3, 11, 12 in the Charter for the importation of Naval Stores from New England, which they have crossed out, and have ordered some other clauses to be added. They desire you to communicate the whole to the undertakers. [*C.O.* 5, 910. *p.* 333.]

Jan. 8.
Whitehall.
154. William Popple, Junior, to William Penn The Council of Trade and Plantations have ordered me to minde you that they are in expectation of the certificate of having given in security for Col. Hamilton (*see* Dec. 10), which they expected should have been done long ago, and the want whereof has hitherto hindered them from proceeding in their report upon that and other matters relating to Pennsylvania. [*C.O.* 5, 1290. *p.* 280.]

[Jan. 11.]
155. Charles Lord Baron of Baltemore to the Council of Trade and Plantations. Humbly representeth, that he is informed by his Agent in the Province of Maryland that Col. Blakiston, late Governor thereof, ordered his said Agent to give him an account of what lands should happen to be escheated during his stay in the Government, alleaging that his Instructions enjoyned him to give this honourable Board an account thereof, that the same might be disposed of for the King's use. Lord Baltemore humbly conceives the said Instructions relating to escheats was incerted by the mistake of the Clerk, who drew the same not considering that Lord Baltemore was Proprietary of the said Province and had the Royal Rights thereof granted him. Lord Baltemore did in 1699 prefer a petition to the late King praying H.M. dissent to two Laws past in the Assembly of Maryland, by which his Lordship's right and property were apparently invaded, the one an Act for ascertaining the bounds of lands, the other limiting the payment of bonds and bills to five years. The said petition was referred to this Board by H.M., and when Lord Baltemore came to crave your Lordships' report thereon, the Secretary tould him there was no occasion for it, the said Laws being already dissented by H.M., and the Instrument of dissent conveyed to Maryland, which Lord Baltemore signified to his Agents there, and his Agents made the same known to the Governor and Speaker of the House of the Assembly. But the Assembly would not believe that the said dissent extended to the said Laws, unless a certificate from this honourable Board signifying the same were produced to them, for want whereof

the said Laws have and still continue to be put in execution to the great damage of the said Lord Baltemore. Therefore he most humbly prays that the said Instruction relating to Escheats may for the future be left out of such Instructions as shall be given to such Governors as shall be sent into that Province, the said Escheats being his undoubted right as Proprietary and Lord of the Soyle, and that such Governors be ordered not to interfere with any of his Lordship's rights in his lands, and that your Lordships will please to let him have a certificate from this Honourable Board signifying that the said dissent includes the said two Laws. *Signed*, C. Baltemore. *Endorsed*, Recd. Read Jan. 11, 1702(3). 1 *p.* [*C.O.* 5, 715. *No.* 68; *and* 5, 726. *pp.* 148–150.]

[Jan. 11.] **156.** Petition of Merchants of Poole, trading to Newfoundland, to the Queen. We acknowledge your princely care in sending some ships of war and land forces last summer to Newfoundland for the protection of our fishery and destroying that of the enemy, which met with wonderful success, and also your Majesty's great care in fortifying St. John's and settling land forces there, by means whereof that place and all the Southern parts of Newfoundland are in some good measure secured from the incursions of the enemy at all times. *Pray,* in behalf of the Northern parts, *viz.*, Trinity and Conception Bay and as far North as the northern part of Bonavista Bay, being highly apprehensive of the great danger those parts are in from the French, being wholly uncapable of making any manner of defence against them. Trinity Bay being the only inlet the French have by land to annoy those Bayes, and all the northern parts, it being not above 3 miles overland from the bottom of Placentia Bay, in possession of the French, to the bottom of Trinity Bay, over which land the French have a way to, and often doe, launch their shallops, in which they convey their forces from harbour to harbour in the said bays, plundering, burning and destroying all your petitioners' plantations and effects, as they pass from place to place, as your petitioners have already sadly experienced, to almost the ruin of some and the great loss of others. For prevention whereof, petitioners' effects in Newfoundland now being much more considerable then in some years past, by reason they could not sell their fish last summer, but were forced to leave the greatest part behind in storehouses, we humbly beseech your Majesty to take the care of those defenceless places into your princely consideration, and propose as absolutely necessary thereunto that succours be sent thither very early next spring, to anticipate your Majesty's enemys, who threaten an early revenge of their late losses; and that your Majesty would send over materials and artificers for the building of two forts, one at the entrance of Trinity Harbour in Trinity Bay, and one at Carboneer in Conception Bay, and some soldiers to defend the same, subject to a Civil Commander, which with the assistance of the inhabitants living in those bays and parts adjacent (who in the winter season have great conveniences to transport themselves and their effects in shallops to those places for their security until the next fishing season comes) will be able to secure all the northern parts aforesaid. *Signed*, Wm. Bremble, Mayor, and 66 *other signatories. On back*,

156. i. Sir Charles Hedges to the Council of Trade and Plantations. Referring above petition for their opinion. *Signed*, C. Hedges. *The whole endorsed*, Recd. Jan. 16, Read Feb. 11, 170$\frac{2}{3}$. 1$\frac{1}{4}$ *pp*. *Torn*. [*C.O.* 194, 2. *Nos*. 91, 91.i.; *and* 195, 3. *pp*. 150–154.]

Jan. 11. Admiralty Office. **157.** J. Burchett to William Popple. H.R.H. having it in his thoughts to call from New England, New York and Virginia the ships of war that doe now attend those Governments, soe as that they may bring home with them the latter part of the Trade from those parts, and to send others thither the following spring, and being of opinion that it may be for H.M. service soe to do, because in the winter season the said ships are forced to lye up, and thereby put the Crown to expence without doing any manner of service, I am commanded to acquaint you therewith for the information of the Council of Trade and Plantations. and desire you will let me know whether they have any objection. *Signed*, J. Burchett. *Endorsed*, Recd. Read Jan. 12, 1702(3). 1 *p*. [*C.O.* 323, 3. *No*. 143; *and* 324, 8. *pp*. 191, 192.]

Jan. 11. Whitehall. **158.** Council of Trade and Plantations to the Earl of Nottingham. In pursuance of H.M. Orders in Council, Dec. 31 and Jan. 7, we enclose draughts of an Instruction for the Governor of Virginia and Maryland. *Signed*, Robt. Cecill, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

158. i. Additional Instructions to Francis Nicholson, Governor of Virginia. Given at our Court of St. James's, Jan. 7, 170$\frac{2}{3}$. Anne R. Whereas it hath been represented to us that ships sailing from our Plantations in America without convoy during this time of war are subject to great hazards, and that divers of them have been taken by the enemy, to the great loss and detriment of our loving subjects, and whereas for the preventing the mischiefs that may happen in that manner to the Trade of those parts, we have been pleased to give directions that a convoy do proceed from hence with the outward-bound ships the latter end of this instant January, which convoy is to return from Virginia the 1st and 10th of July next with the Trade that shall then be ready to accompany them; and that another convoy be likewise sent with such ships as shall be ready to sayle from hence to Virginia and Maryland in July next; it is therefore our will and pleasure that you take especial care that during this time of war no ships do sail from Virginia otherwise than with convoy, such ships only excepted as shall have lycence from us under our Royal sign manuall, our Order in Councill, or from our High Admirall. [*C.O.* 5, 1360. *pp*. 358–360.]

1703.
Jan. 11. **159.** Copy of above Instructions addressed to "Thomas Tench, President, and the rest of our Council of our Province of Maryland." [*C.O.* 5, 726. *pp.* 146, 147.]

Jan. 11. Whitehall. **160.** Journal of Council of Trade and Plantations. Order of Council, Jan. 7, relating to the *Golden Lyon* and the *Baltimore*, read. Letter to the Earl of Nottingham, enclosing the draught of an Instruction for the Governor of Virginia and the President and Council of Maryland relating to convoys for the Trade of those Plantations and with an exception for the return of such ships without convoy as shal have particular licences for that purpose, was signed and sent.

Lord Baltimore laid before their Lordships a Memorial relating to an Instruction to the Governors of Maryland about escheats, and to two Acts of that Assembly, which he desires may be repealed, which Memorial was read, and the Secretary directed to look into the state of those matters, and lay them before the Board for their Lordships further consideration.

Col. John Seymour presented to the Board a letter from the Earl of Nottingham, acquainting their Lordships that H.M. has been pleased to appoint him to be Governor of Maryland etc. Directions given for preparing his Commission of Instructions accordingly.

Mr. Atwood desired their Lordships to favour him and Mr. Weaver with copies of the depositions against them, which have been transmitted from the Lord Cornbury from New York, whereupon the Minute of what was answered to Mr. Weaver the 7th inst. upon the like occasion, was read to him, and he was further told that he would do well to apply to Mr. Attorney General for his opinion whether the said depositions ought to be communicated to them before their hearing or no, that upon Mr. Attorney's answer to that question, they might further consider of it. But he declaring [? *declining*] himself to be at that charge, the Secretary was afterwards directed to write to Mr. Attorney General upon the same subject, which was accordingly forthwith done and sent.

Ordered that the Secretary write to Mr. Penn to know whether the Acts of the Assembly of Pennsylvania received from him Dec. 15 last be a compleat body of all the Laws of that Province now in force or no.

Their Lordships taking into consideration the several letters received lately from Lord Cornbury, gave directions for preparing a Report to be laid before H.M. on the affairs of New York.

Mr. Wm. West desiring a copy of Sir William Stapleton's Commission for the Government of the Leeward Islands, it being useful to him in relation to a title to some land there, ordered that a copy thereof be given him.

Jan. 12. Mr. Cary desired their Lordships' despatch of their Report upon the Acts of the Leeward Islands, which have been some months since under consideration, and their Lordships promised to do it accordingly.

1703.

Letter from Mr. Burchet, Jan. 11, read. Directions given for preparing an answer.

The Secretary acquainted the Board from Mr. Taylor, that the Lord Treasurer had considered their Lordships' letter about incidents, but objected against the Articles for passing the Commissions, and desired that in the remaining part of the account, a distinction should be made between what was due in the time of the late King, and what since. Ordered that an account be prepared accordingly.

Mr. Wharton laid before the Board a Memorial from the undertakers for raising Naval Stores in New England. Mr Attorney General informed their Lordships that he conceived the Depositions against Mr. Atwood and Mr. Weaver ought to be shewn them, but he did not think fit they should have any copies, nor take notes thereof, unless they agreed that the said depositions should be read at the hearing appointed before Her Majesty in Council. And Mr. Attwood being afterwards called in, and declaring that he could not allow those depositions to be legal evidence, nor therefore consent that they should be read at the hearing, the Board acquainted him that all they could do was to give leave for him and Mr. Weaver to read the Depositions wch. concerned them respectively in the presence of one of their Lordships' clerks, but that they could not allow them to take any notes.

Jan. 13. Draught of a letter to be writ by the Secretary to Mr. Burchet agreed upon.

Col. Seymour, together with Col. Blakiston, attending the Board in relation to Col. Seymour's dispatches for the Government of Maryland, Col. Blackiston acquainted their Lordships that he had seen letters advising that Mr. James Frisby, one of the Councillors of Maryland is dead, and further informed them that in his opinion Mr. Kennelan Chittleton, William Coursy and Thomas Ennalls are persons fit to supply vacancies in Council, and further mentioning some obscurity or inconvenience in the Maryland Instructions relating to ships sailing with convoys or in fleets, their Lordships agreed upon an alteration to be made in that Article of the Instructions to be prepared for Col. Seymour.

The Draught of a Commission for Col. Seymour to be Governor of Maryland was laid before the Board, and a report signed wherewith to lay the same before H.M., together with a draught of Instructions for the Lord Cornbury in the Governments of New York, relating particularly to the Acts of Trade.

A letter from Col. Dudley, Nov. 8, relating to public proceedings in New Hampshire, read. Ordered that the Addresses enclosed be sent to the Earl of Nottingham.

Letter from Col. Dudley, Nov. 10, relating to the affairs of the Massachusetts Bay, read. Ordered that extracts be made from this letter and his letter of Sept. 17 and transmitted to the Earl of Nottingham. Their Lordships resolved to take again into consideration Col. Dudley's letters of July 23, Aug. 5 and Sept. 17 together with this, in order to report to H.M. what may be fit both in relation to himself, and to the general affairs of that Province.

1703.

Letter from Mr. Addington, Oct. 10, read, and the papers therewith transmitted laid before the Board. [*C.O.* 391, 15. *pp.* 354–364 ; *and* 391, 97. *pp.* 21–32.]

Jan. 11. St. Jago de la Vega. **161.** Minutes of Council of Jamaica. The Governor acquainted the Board that the principal occasion of calling them together was in relation to the poor people of Port Royal, who was burnt out of all by the dreadful fire on Saturday last, what method should be taken to support them in their present calamitous condition and to induce them to stay and resettle here. Whereupon Mr. Pallmer was sent for and required to give an account of what flower and beef of the Queen's stores remained unsold. He returned 91 barrels of beef and 94 barrels of flower. Ordered that 40 barrels of each be immediately sent down to Fort Charles for the support of the soldiers there and relief of such persons as are in necessity, which is to be distributed to them by Barnaby Jenkins and Joseph Quelch. John Gardiner and William Careless were appointed Commissioners with them, and empowered to impress waines to send the provision down and boats to carry it to Port Royal and take an account of what is done, what number of people there are to be kept and what fresh provisions may be wanting, that care may be had to supply it, which is to be done by any of the Commissioners taking it upon the public account and credit, which they are hereby empowered to do. Ordered that they have power to impress boats on all occasions of going by water or for the removing of the poor people to the places where they may be relieved, and paying the usual rates. Warrant ordered to be drawn to require all Constables and other H.M. subjects to be aiding and assisting to the said Commissioners in the premisses.

Ordered that there be papers fixt up in all public places by the Commissioners, that those persons in necessity may know where to apply for relief. Proclamation ordered that no person presume to take greater or other rates for victuals, drink and other necessaries, as for freight, horse or cart hire than was usual and accustomed before the said calamitous Accident happened.

Ordered that a letter be sent to the Admiral to pray him, in regard the King's prison is destroyed, that he will take care of the French and Spanish prisoners, till we can take further care of them.

Ordered that there be an embargo till further orders. [*C.O.* 140, 6. *pp.* 112–114.]

Jan. 12. **162.** Joseph Gaylard and Peter Ducroz to the Earl of Nottingham. If I remember aright, your Lordship told the President that nothing else was expected from the College but providing internal medicines, and that your Lordship had taken care of the surgeon's chest. The College [*of Physicians*] are in a good forwardnesse with their part of the provision [*of medicines for the troops for Jamaica. Ed.*]. The Surgeon and myself await on your Lordship to know your Lordship's pleasure concerning this

1703.

affair. *Signed*, Joseph Gaylard, Peter Ducroz. *Addressed.* 1 *p.* [*C.O.* 137, 45. *No.* 38.]

Jan. 12. Whitehall. **163.** William Popple to William Penn. The Council of Trade and Plantations desire you to inform them whether the Act of the Assembly of Pennsylvania, received from you Dec. 15 last, be a compleat Body of all the Laws of that Province now in force or no. They also desire your answer to the letter of Jan. 8. [*C.O.* 5, 1290. *p.* 281.]

Jan. 12. From on board ye *Boyn* in Barbadoes Road. **164.** Commodore Hovenden Walker to [? *the Earl of Nottingham*]. Bad weather having hindered my touching at the Maderas, I was oblidged to bear up for the Cape de Verde Islands, where arrived Oct. 24, and there watered the ships and refresht the men, all both men-of-war and transport ships being very healthy except the *Burford*, which having in the passage buried near 20 men, put above 120 sick ashoar at St. Vincent's. Nov. 14 I sailed from thence, and Dec. 5 anchored in Barbadoes Road. I applied to the President and Council there concerning the sick seamen and disembarking the soldiers for their refreshment, but they were very slow in their resolutions, and I falling sick of the country distemper, whereof I am yet scarce recovered, the soldiers were not put ashoar till Dec. 29. Having this day received H.R.H. Orders to that purpose, I am re-embarking the soldiers, and with all expedition shall proceed to the Leeward Islands. Our seamen have proved in general more sickly then the soldiers, and the *Edgar*, *Anglesey* and *Sunderland* are more sickly than any of the ships here except the *Burford*, which is exceedingly weakened, not having above 140 seamen abord, buried above 100 since she parted from Sir George Rooke and above 100 being sick ashoar. The *Edgar*, *Anglesey* and *Sunderland* with the Victuallers' storeships and recruits arrived here the 8th inst., and I have ordered the *Edgar* and *Anglesey* to Antegua to deliver their packets to the Governour of the Leeward Islands; in a few days after them expecting to be there with the rest of the men-of-war and land forces. *Signed*, Hovenden Walker. *Endorsed*, R. March 13, 170⅔. 3 *pp.* [*C.O.* 28, 38. *No.* 7.]

[Jan. 12.] **165.** Wm. Wharton to the Council of Trade and Plantations. The undertakers for raising stores in New England are surprised to find that a design admitted by your Lordships to be of public benefit meets with so much discouragement, as the alterations and additions made by your Lordships to the draught of a Charter, which so effectually cramp the undertaking *etc.* (1) If we are denied the privilege to purchase lands, goods etc., we can[*not*] settle any factories, which are absolutely neces[*sary*] (that part of the country proper for our pur[*pose*] being wholly uninhabited), nor sow any hemp, make nor buy any Naval Stores, but be a Corp[*oration*] in name and notion only. (2) The second alteration is the striking out the Queen's waste lands, mines and minerals, the obligation for our laying out 20,000*l.* within the first three years, and giving the pre-emption to the Crown of the Stores we

1703.

import. The waste lands *etc.* are now of no benefit to the Crown, nor will be in many generations, unless granted to a Corporation whose united purses can conquer the natural difficulties in doing it. But if your Lordships think us uncapable, we acquiesce in this and the latter part of the alteration. (3) Your Lordships restrain our stock to 20,000*l.*, and yet require us to import yearly as many stores as will amount to above 30,000*l.* prime cost in the first two years *etc.* This will disable us—so small a stock will be eaten by necessary incident charges, and will reduce it into few hands. (4) The fourth alteration for restraining us from transferring our stock etc. for 5 years, is a clause of a new impression, never inserted in any Charter that has yet bin pass'd and will effectually suppress our undertaking, tho' your Lordships should grant us all we ask and more. For this is an abridging the common right of the subjects in disposing of their properties, which no men of ability will submit to. The proposals we have made against stock-jobbing, we conceive to be sufficient to prevent all the mischiefs practised by Corporations in that particular, and beyond those we cannot submit. (5) The last clause, for Vacating our Charter by an Order in Council, makes our Charter too precarious, and may expose us to the loss of our stock, or at least a great part of it that must be abroad in the Plantations, when such a vacate may be made. We do not desire to have our Charter exclusive of others, and therefore insist the common method of a *Scire facias* is sufficient.

We cannot depart from our former draught and additions to it in our last memorial. If your Lordships insist upon the amendments here objected against, we will give your Lordships no further trouble, but either wholly desist, or make a fresh application where we hope a design so advantageous to the Nation will meet with more encouragement. *Signed*, Wm. Wharton, Agent. *Endorsed*, Recd. 12, Read Jan. 20, 1702(3). 4 *pp.* *Edges torn.* [*C.O.* 5, 862. *No.* 144 ; *and* 5, 910. *pp.* 334–339.]

Jan. 12. **166.** Minutes of Council of Barbados. The President laid before the Board letters from the Council of Trade, Nov. 11 and Nov. 13, 1702, which arrived yesterday. The Board resolved to forward enclosures as soon as possible. The President also delivered an answer from Midford Crowe, Nov. 12, to the Council's letter of May 19, declaring his readiness on any occasion to doe the best offices he can for the Island *etc.*

Commission for the trial of Cæsar Brooks signed. [*C.O.* 31, 6. *pp.* 351, 352.]

Jan. 12. **167.** Minutes of Council of New Hampshire. Upon reading the petition of Mrs. Elizabeth Holland and an Order of Council, Oct. 8, last, ordered that the Secretary write to Mr. David Jeffrey of Boston, attorney to Thomas Holland, husband of the said Elizabeth, to comply with said Order of Council, and to restore her wearing apparel, or to show cause to the contrary.

Ordered that Theodore Atkinson bring the Assembly Books and Papers to Portsmouth, and deliver the same to the Speaker. [*C.O.* 5, 789. *p.* 122.]

1703.
Jan. 12.
Portsmouth.

168. Minutes of Council in Assembly of New Hampshire. The House of Representatives chose Daniel Tilton for their Speaker.

Joint-Committee appointed to take into consideration the building of a Fort at Newcastle.

Petition of Joseph Palmer, a prisoner upon execution at the suit of one Redman, praying review in that case before the Governor and Council [*read*], for which the Governor declared his opinion that it was the subject's right and he was ready to hear it, but it went upon vote and passed in the negative. [*C.O.* 5, 789. *pp.* 125, 126.]

Jan. 13.
[London, 13th. 11th month called Jan.]

169. Theodor Eccleston and J. Wyeth to William Popple. Since our last attending the Lords Commissioners, we have a letter intimating their being under some difficulty as to the hearing and considering our objections to the bill for establishing Religious Worship *etc.* in Maryland, upon supposal we have been heard to the same bill already in the time of King William. We are preparing such answer as we hope will suit the nature of this case. *Signed*, Theodor Eccleston, Jos. Wyeth. *Endorsed*, Recd. Read Jan. 14, 170$\frac{2}{3}$. *Addressed*. 1 *p*. [*C.O.* 5, 715. *No.* 69; *and* 5, 726. *p.* 169.]

Jan. 13.
Admiralty Office.

170. Lords Commissioners of the Admiralty to H.R.H. Prince George, Lord High Admiral. Upon consideration of what was debated this morning at the Committee of H.M. Privy Council, and in pursuance of the directions which we have received from their Lordships touching employing the squadron of H.M. ships and the forces that now are, and which are going to the West Indies, we offer our opinion that it may be most for H.M. service to give orders that the said forces do first attempt the French Settlements and Plantations in their Windward Islands, and that when they have done their utmost in those parts, they do then, without loss of time, repaire to Jamaica, and there hold a Council of War of the sea and land officers, to consider whether they can proceed from thence, and attempt any of the Spanish Towns upon the Continent; and that if the said Council of War shall judge it practicable, both the squadron and forces may be ordered to proceed and attempt any of the said places accordingly, but that they be particularly directed, to take care to return and be at Jamaica by such time as that he may from thence proceed and arrive at Newfoundland so early, with respect to the season of the year, as that he may be able to attempt the enemy's settlements there, and their fishery on the Bank. And it is further proposed that orders be also given not to put the people they take into any other of the French or Spanish Plantations, as was done the last war, but bring them directly home for England. *Signed*, G. Rooke, D. Mitchell, Geo. Churchill, Richard Hill. 2 *pp*. [*S.P. Naval*, 7. *Under date*.]

Jan. 13.
Whitehall.

171. William Popple to Josiah Burchet. In answer to yours of 11th inst., the Council of Trade and Plantations have considered what H.R.H. has been pleased to propose concerning the guardships

1703.

which do now attend the ordinary service of New England, New York and Virginia: they have no objection why those attending New England and New York may not be called home in the beginning of winter. so as to bring with them the later part of the Trade from those parts, provided that others be sent so as to arrive there early in the Spring to attend those Governments in their stead; but as to Virginia and Maryland, their Lordships do conceive that the many rivers and the bay being very large and open and exposed to privateers and pirates, it may be necessary that a ship of force be constantly left to cruize within the Capes, even in the winter season, for the security of those parts, especially since the fleet of merchant ships is designed to remain there the next winter, and that probably a considerable number of trading ships will be always there in that season, altho' the convoys for Virginia and Maryland may be ordered to cruize more southward off of the Charibbee Islands. [*C.O.* 324, 8. *pp.* 192, 193.]

Jan. 13. Whitehall. **172.** Council of Trade and Plantations to the Queen. *Enclosing* draught of Commission for Col. John Seymour to be Governor of Maryland. We likewise herewith lay before your Majesty a draught of Instructions for Lord Cornbury, Governor of New York, relating to the Acts of Trade and Navigation in the usual form sent to the Governours of other Provinces. *Signed,* Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed,*

172. i. Draught of Col. Seymour's Commission to be Governor of Maryland.

Similar to Governor Codrington's Commission abstracted *Cal. A. & W.I.* 1699, *No.* 382. *Variations*:—Three members of the Council to make a Quorum. The Governor to make up their number to nine, if there happen to be less, subject to H.M. approbation. Upon his death or absence, the Council to take the administration of the Government and the first Counsellor to preside. *Signed,* Feb. 12, $170\frac{2}{3}$. [*C.O.* 5, 726. *pp.* 151–168.]

Jan. 13. St. Jago de la Vega. **173.** Minutes of Council in Assembly of Jamaica. Returns of Assembly-men:—

St. Thomas in the Vale ..	Capt. Robt. Nedham. William Nedham.
Vere	Andrew Langley. Valentine Mumbee.
St. Dorothy's	Matthew Crew. Dr. Bonner.
Clarendon	Charles Long. John Peek.
St. John's	Francis Bragg. John Ayscough.
Kingston	Edmund Edlyne. Thomas Barrow. Aldworth Elbridge.

1703.

Port Royale	Thomas Hudson. Thomas Sutton. Robert Meakins.
St. Ann's	William Axtell. Thomas Brayne.
St. Thomas to Windward	John Blaire. Thomas Freeman.
St. David's	Major Edward Turner. Major John Clarke.
St. Mary's	Capt. Mathew Gregory. Andrew Orgill.
St. James'..	Capt. Richard Bancks. George Bennett.
St. Catherine's	Henry Brabant. Thomas Cox. Capt. John Ellis.
St. Andrew's	Col. Thomas Clarke. James Archbould.

The writs for St. George's and St. Elizabeth's were not returned. The Members attending were sworn and repeated and subscribed the Test, which done the Governor desired them to go the House and chuse a Speaker. Col. Langley acquainted the Governor that he had been chosen Speaker, and endeavoured to excuse himself as unfit, but the Governor declared his approbation, and addressed the Assembly:—

I cannot but express the great opinion I have that you are now met together with hearts full of zeal and affection for the honour of our most gracious Queen, the support of her dignity and the preservation and prosperity of this Island, since, to my great satisfaction, I find an Assembly of Gentlemen whose interests and estates, whose prudence and experience in the affairs of this Island are a sufficient security against the misunderstanding or mis-meaning of any (if there can be any) who would obstruct the general good, which shall always be my utmost aim. I must particularly recommend to you the Revenue for the support of the public, that the Government may be enabled to discharge the debts, and provide for our future defence against the common enemy. The accounts of all public monies shall be always ready to be laid before you. Since H.M. out of her royal grace and bounty to this Island hath thought fit to send some part of her forces for its preservation, I doubt not but you will all cheerfully concur in seconding such her princely care by an act for quartering the officers and soldiers already here, or which may be sent, in such manner as be most for the health and conveniency of the forces and the ease of the inhabitants; and if any defect or misconstruction may have arisen from your former proceedings, your wisdomes will find a speedy ease to remove them, that there may be no heats and divisions among us. But that the intentions and meaning of the last Act may be supplyed and supported by you, in which I think the honour of Assembly and our duty to H.M. are highly concerned. The building of barracks and repair of fortifications I must leave to your consideration.

1703.

In my opinion the safest method to prevent the attempt of our enemies, is to be always in a readyness to oppose them, under which head the care of the Militia and the well disciplining of them doth necessarily fall. The decay of trade in this time of war is well worthy your thoughts, and all possible means ought to be used that no distinction may be made amongst men, but that all persons of what sort soever that live industriously and quietly under our Laws may enjoy an equal protection from them. I cannot mention the dismal and amazing judgment that God hath been pleased to lay upon this Island by the late dreadful fire at Port Royal without earnestly recommending to you that we may all labour with diligence and expedition to succour and preserve the inhabitants. I have already, by advice of the Council, made some disbursements for that end. I hope you will be ready with all cheerfulness speedily to provide a fund for the repayment of that and the present support and comfort of such whom this calamity hath made objects of your care and help. This our Religion exacts from us, this the welfare and safety of the Island requires, and cannot be wanting from us as good subjects. I have only to desire the dispatch of the business that will be laid before you, and that all animosities may cease, and that the honour of H.M. and the common good of this Island may preside in your thoughts etc.

Jan. 14. John Gay, Clerk of the Assembly, and Edward Betterton, Messenger, were sworn.

The writs and returns of elections were sent to the House, with notification that the writ for St. Elizabeth was not yet returned, and that the two writs successively had been sent to St. George's, but neither of them could be executed by reason of great floods and violent rains.

Richard Bancks was sworn a Member of Assembly.

Joint Conference appointed to confer about the distressed condition of the late inhabitants of Port Royal. The House resolved that they would reimburse the Treasury what sums had been expended for the relief of the distressed, the Governor and Council to continue the like care, and they will reimburse the charge, and further desired the Governor to publish this resolve. Ordered accordingly.

The Provost Marshal was ordered to attend the House as requested. [*C.O.* 140, 6. *pp.* 415–421.]

Jan. 13. **174.** Minutes of Council of Virginia. Letter from Benjamin Harrison excusing his absence, read.

Letter to H.E. from Jno. Thraile, Solicitor of the Virginia affairs, intimating that he had put H.E.'s new Commission into the hands of Micajah Perry, read, together with H.M. Order in Council appointing a sum to be paid out of H.M. Revenue of Quit-Rents in this Colony for several arms and ammunition ordered to be sent in hither.

H.E. and Council, finding that it will be very much for H.M. interest and service and the security of the ships now in the country that they have a convoy, but forasmuch as Capt. Moodie

1703.

saith in his letter of Jan. 4 that being now under the orders of the Lord High Admiral, he is not safe in obeying another (*see Minute of Council, Jan.* 5), to which H.E. in Council did declare his opinion, to which Capt. Moodie hath given no answer, by reason of which delay the Council cannot proceed to give any orders to Capt. Moodie in relation to the ships, they therefore think it for H.M. service that H.E. issue his commands to Capt. Moodie requiring him to give his positive answer whether he doth insist that he is not under the order of this Government, or whether he will take the said ships under his convoy and sail directly for England, upon his receiving orders from H.E. for that purpose.

Mr. Harrison gave his report upon Col. Willson's complaint against Capt. Moodie, that Capt. Moodie be obliged to give bond with good security for the keeping of H.M. Peace.

Petition of several masters of ships, praying that they may be allowed to sail for England with H.M.S. *Southampton* referred till Capt. Moodie returns his answer. Since they represented in their petition that he had sent up James River to hasten the ships there in order to go under his convoy, H.E. directed a copy of above petition to be sent to Capt. Moodie, and that he give H.E. an account whether he hath given such notice, by what authority, and how far he proposes to convoy the said ships. [*C.O.* 5, 1409. *pp.* 273–275; *and* 5, 1412. *pp.* 28–30.]

Jan. 14. St. James's **175.** Order of Queen in Council. Approving above draught of a Commission for Governor Seymour, and ordering a warrant to be prepared for H.M. signature accordingly. *Signed*, John Povey. *Endorsed*, Recd. 20th. Read March 23, $170\frac{2}{3}$. 1 *p.* [*C.O.* 5, 715. *No.* 70; *and* 5, 726. *p.* 254.]

Jan. 14. Office of Ordnance. **176.** Board of Ordnance to the Council of Trade and Plantations. The arms and ammunition directed to be sent to Virginia, Aug. 6, are ready. But Mr. Micaiah Perry, concerned for that Colony, having this day been with us and desired that the sending of them may be deferred till the summer, when there will goe a considerable fleet and convoy, and the season of the year will be much safer and better; and because a storehouse is erecting in Virginia for the security of them, which then will be ready for their reception, we shall defer sending them till then, unless you shall think it for H.M. service to have them go sooner, in which case we shall send them by some ship going with the first convoy. *Signed*, J. Granville, Wm. Bridges, C. Musgrave, J. Pulteney. *Endorsed*, Recd. Read Jan. 19, 1702(3). *Addressed.* 1 *p.* [*C.O.* 5, 1313. *No.* 13; *and* 5, 1360. *p.* 361.]

Jan. 14. (14th, 11m. (Jan. 1702). **177.** William Penn to William Popple. Esteemed Friend, I cannot yet answer the last letter I had by order of the Lords Commissioners for Trade etc., because I have not been yet able to overhawl my papers, but hope to do it in a day or two. For the first, the security will be given in to-day or to-morrow, one of ym has been indisposed, wch. has prolonged it, wch. is what now offers from Thy assured friend. *Signed,* Wm. Penn. *Endorsed,* Recd. Read Jan. 14, 170⅔. *Holograph. Sealed. Addressed,* For Wm. Popple, Esq., at the Plantation Office at Whitehall. ¾ *p.* [*C.O.* 5, 1262. *No.* 17.]

Jan. 14. Whitehall. **178.** Council of Trade and Plantations to the Earl of Nottingham. *Enclosing* extracts from Governor Dudley's letters Sept. 17 and Nov. 10, 1702, relating to provisions and men which he was ordered to send to Jamaica, and two Addresses to H.M. from New Hampshire. *Signed,* Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 751. *Nos.* 47, 47.i.–iv.; *and* 5, 910. *p.* 353.]

Jan. 14. St. James's. **179.** Order of Queen in Council. Approving draught of Instructions relating to the Acts of Trade and Navigation, Jan. 13, for Governor Lord Cornbury, and ordering them to be prepared for H.M. signature. *Signed,* John Povey. *Endorsed,* Recd. Read Jan. 25, 170⅔. ½ *p.* [*C.O.* 5, 1084. *No.* 13; *and* 5, 1119. *p.* 348.]

Jan. 14. St. James's. **180.** Duplicate of preceding Order of Queen in Council. *Endorsed,* Recd. 20th, Read March 23, 170⅔. ¾ *p.* [*C.O.* 5, 1084. *No.* 14; *and* 5, 1119. *pp.* 431, 432.]

Jan. 14. St. James's. **181.** Order of Queen in Council. Appointing, upon the petition of William Atwood and Thomas Weaver, the complaints against them to be heard before H.M. at this Board Jan. 21st, and that on or before the 18th each party do interchangeably give true copies to the other of all such papers as they intend respectively to make use of at the hearing of the said complaints, and that the said partys have likewise copies of all such papers or parts of papers remaining in the Council Office, or with the Lords Commissioners of Trade and Plantations they shall think necessary for them respectively at the said hearing. *Signed,* John Povey. *Endorsed,* Recd. Read Jan. 14, 170⅔. ¾ *p. Enclosed,*

181. i. Petition of William Atwood and Thomas Weaver to the Queen. Pray for copies of papers *as above,* and that the hearing of their case appointed for Jan. 14 be deferred. *Signed,* Wm. Atwood, T. Weaver. *Copy.* 1¼ *pp.* [*C.O.* 5, 1084. *Nos.* 15, 15.i.; *and* 5, 1119. *pp.* 331–333.]

Jan. 14. **182.** Sir B. Gracedieu to Wm. Popple. John Walter, late of the Council of Jamaica, being dead, I request you to recommend to their Lordships Capt. Thomas Hudson. *Signed,* Bartho. Gracedieu. *Endorsed,* Recd. 16th Nov., Read Dec. 10, 1702. [*sic*]. ½ *p.* [*C.O.* 137, 5. *No.* 93.]

Jan. 14. Whitehall. **183.** Journal of Council of Trade and Plantations. Letter to the Earl of Nottingham, with enclosures, signed and sent.

Letter from Mr. Eccleston and Mr. Wyeth relating to the Act of Religion, Maryland, read. Ordered that a Report be prepared

1703.

wherewith to lay the said Act before H.M. (as being the same with the Bill that was sent over thither) in order to H.M. approbation.

Mr. Wharton presented to the Board a paper containing Articles of complaint against Mr. Partridge, Lt.-Gov. of New Hampshire, together with Depositions etc. Whereupon he was ordered to attend on Monday next in the afternoon, together with the persons who have made the said Depositions. And in relation to the Draught of a Charter now lying before this Board for the importation of Naval Stores from New England, upon his desiring their Lordships would please to mitigate the strictness of the clause proposed by them against stock-jobbing, he was ordered to bring in writing, at the same time, what further proposals the undertakers may think fit to make.

Letter from Mr. Penn of this date read.

Papers relating to the Counsellors of Jamaica laid before the Board, and ordered to be taken into consideration when there shall be occasion to fill up the names of Counsellors in the Jamaica Instructions.

Letter from Col. Codrington, Oct. 14, read.

Letter from Lt.-Gov. Partridge, Oct. 30, read. Ordered that extracts be sent to Col. Dudley.

Draught of letter with enclosures to Col. Dudley agreed upon.

Memorial from the people of the Bahamas against Capt. Hasket, etc. received from Mr. Graves, were laid before the Board.

Jan. 15. Upon intimation that the hearing of the complaints against Mr. Attwood and Mr. Weaver before H.M. in Council had been put off till the 21st, their Lordships examined the abstracts of all the letters received lately from the Lord Cornbury, and ordered copies to be made of his letters of June 26 and Sept. 29 and extracts from that of Sept. 17, in order to the transmitting them by the hands of Mr. Thrale to the Attorney General for such use as he shall think fit to make thereof at the said hearing.

Mr. Attwood and Mr. Weaver presented to the Board H.M. Order in Council of Jan. 14 (*q.v.*), which was read. And they thereupon desiring because of the shortness of the time for copying so many papers as they may have occasion for, that they may have liberty to take notes of the depositions against them transmitted by the Lord Cornbury, ordered that they be permitted to take notes of those depositions. They also desired to have copies of some other papers, whereof they would bring a list, but had it not now ready; and their Lordships thereupon agreed to meet at four a clock this afternoon (at wch. time they said they would bring in their said list) in order to determine what to do thereupon.

Draught of a Representation upon the Maryland Act for the establishment of Religious Worship was agreed upon.

Post Meridiem.—Mr. Attwood and Mr. Weaver presented to the Board a list of papers whereof they desire copies, which was read. But the same being in divers articles general, and, as their Lordships conceive, not contained in the number of such

1703.

papers as H.M. Order in Council does intend, they were ordered to bring in another list to-morrow morning, which they promised to do.

Ordered that the other Commissioners of this Board not now here be desired to attend to-morrow morning upon this occasion.

Jan. 16. Copy of Mr. Attwood and Mr. Weaver's petition to H.M. referred to in the Order of Council, Jan. 14. read. The new list of papers desired by them was now sent in and read, and their Lordships finding thereby that the said papers are so voluminous that they cannot be copied in several months' time, and that the greatest part of them do relate to transactions not only in the time of the Earl of Bellomont, but even of Col. Fletcher's Government, which their Lordships do not conceive have any relation to the present case; they were pleased thereupon to transmit the said lists with a copy of H.M. Order in Council relating to this matter to the Earl of Nottingham, desiring an explanation by his Lordship how they are to proceed therein. Mr. Weaver who attended in behalf of Mr. Attwood and himself was afterwards called in, and told that their Lordships did conceive many of the papers desired by them to have no relation to the present business and not intended by H.M. Order in Council to be given them; but that the whole cannot possibly be transcribed in the time limited, and that their Lordships had thereupon desired the sence of the Order of Council might be explained, concerning which they were ordered to attend again on Monday morning next for a further answer.

Mr. Thrale attending afterwards upon the same occasion, the copies and extracts of the Lord Cornbury's letters ordered yesterday to be transcribed, were delivered to him to be communicated to the Attorney General. Mr. Thrale also communicated to the Board a copy of Mr. Attwood's answer to the Lord Cornbury's reasons for suspending him from his offices, the same having been laid before H.M. on Thursday. [*C.O.* 391, 15. *pp.* 364–374; *and* 391, 97. *pp.* 33–43.]

Jan. 14. St. Jago de la Vega. **184.** Minutes of Council of Jamaica. Ordered that the Receiver General buy up two pipes of Madera, two hogsheads of ale, glasses, pipes, tobacco and candles, to be put and remain in the King's House for the use of the Governor.

Committee appointed to receive the goods saved out of the fire at Port Royal (Capt. John Lewis, Ezekiel Gomers, and Moses Yesurun Cordoso).

Proclamation ordered to be published. Anne by the Grace of God etc. Queen, Whereas several evil-disposed persons under the umbrage and pretence of helping the miserable and distressed inhabitants of Port Royal in the time of the late dreadful fire, did plunder, take and carry away great quantities of all sorts of goods, merchandizes, gold, silver, jewels and plate, and do still conceal and deteyne the same from the Proprietors, contrary to the Laws or the rules of Christianity or even common humanity, we have therefore thought fit by and with the advice of the Council of that our Island, to publish and proclaim to all our subjects of that Island that have saved any goods *etc.* not belonging to themselves out of the said fire, that in eight and forty hours after the date hereof they bring in all such goods into H.M. Fort Charles to be delivered to the [*above*] Commissioners, to the end that all things may be brought to public view and the poor sufferers receive what is saved belonging to them. And whosoever shall contrary to this our Proclamation still deteyne or conceal or imbezel any such goods etc., upon proof thereof they shall be prosecuted as felons, and our Attorney General and all other Justices of the Peace are hereby required to secure all such offenders, that they may be prosecuted accordingly. And we do strictly charge and command all our loving subjects whatsoever to be aiding and assisting in discovering and apprehending such offenders, as they will answer to the contrary. Witness, Thomas Handasyd, our Lieut.-Governor, Jan. 14, 170¾.

The Council desired the Governor to write to the Admiral to give him an account of the names of the [*above*] Commissioners, and to request him to order what goods *etc.* should be found by the search appointed by him into their hands at Fort Charles. [*C.O.* 140, 6. *pp.* 114–116.]

Jan. 14. **185.** Minutes of Council of New Hampshire. Upon reading the petition of Mrs. Loue Shirburne wherein she complains of John Lane, of Hampton, for not paying her the rent of her house, lands *etc.*, ordered that both parties attend on Monday next. [*C.O.* 5, 789. *p.* 123.]

Jan. 14. Portsmouth. **186.** Minutes of Council in Assembly of New Hampshire. The House desired the perusal of the Treasurer's accounts, which were sent down accordingly.

Jan. 15. Message sent down referring to the fortifications on Great Island, and a copy of the Governor's Speech thereupon. Conference thereon summoned.

Jan. 16. Vote relating to the fortification on Great Island sent up and agreed to.

Ordered that Mr. Treasurer do with all possible expedition let to farm the duty of excise for the year ensuing.

Vote about reviving the Act of Impost sent up. [*C.O.* 5, 789. *pp.* 127–130.]

Jan. 15. **187.** Wm. Attwood and Thomas Weaver to the Council of Trade and Plantations. *Praying for* copies of Addresses, Depositions, Minutes of Council and Reports relating to their case, extending back to Lord Bellomont's time. *Signed*, Wm. Atwood, T. Weaver. *Addressed.* 2½ *pp.* [*C.O.* 5, 1084. *No.* 13.]

Jan. 15. Whitehall. **188.** Council of Trade and Plantations to the Earl of Nottingham. Having received an Order of Council, by which we are directed to deliver to Mr. Atwood and Mr. Weaver on or before Monday next the copies of all such papers remaining with us as they shall think necessary for them at the hearing before H.M., and they having thereupon demanded of us the papers contained in the list [Jan. 15], which have not only a retrospect to 1693. but are also so very numerous as not to be transcribed in less than a month, the same containing in effect the whole transactions of Col. Fletcher's and Lord Bellomont's Governments, we humbly desire an explanation how we are to proceed, in respect that the hearing is appointed for Thursday, and that their demand of the said papers, as we conceive, tends only towards the running into the proceedings of the past Governments of New York, and recriminating the present administration. *Signed*, Dartmouth, Weymouth. Robt. Cecill, John Pollexfen, Mat. Prior, Ph. Meadows. Wm. Blathwayt. 1 *p.* [*C.O.* 5, 1084. *No.* 14; *and* 5, 1119. *pp.* 334, 335.]

Jan. 15. Portsmouth. **189.** Minutes of Council in Assembly of New Hampshire. Ordered that the Act to prevent the exportation of wool out of the Kingdoms of Ireland and England into foreign parts and for the encouragement of the woolen manufacturers in the Kingdom of England be published by the High Sherif with beat of drum etc., having been hitherto neglected, which was accordingly done. [*C.O.* 5, 789. *p.* 133.]

Jan. 15. **190.** Minutes of Council in Assembly of Jamaica. The return for St. Elizabeth's showed that Odoardo Lewis and William Vassall were chosen.

Thomas Brayne, John Asycough, Col. Lewis and Robert Meakin were sworn Members of Assembly.

The House desired a new writ to be issued for St. George's parish, to which the Governor assented.

Jan. 16. Major Clark and Capt. Freeman were sworn Members of Assembly.

The House acquainted H.E. and Council, that having taken into consideration the ill-consequences that may accrue to H.M. Revenue for want of the fixt place where the merchants and masters of ships, which are dayly expected, and others concerned may apply themselves to the several offices to enter their ships and pay in their customs, they desired them to ascertain the same. Ordered thereupon that the Receiver General bring the Queen's books to St. Jago de la Vega and keep them there till further order. [*C.O.* 140, 6. *pp.* 421, 422.]

Jan. 15. **191.** Minutes of Council of Virginia. Upon reading the Order of H.R.H. the Lord High Admiral, June 24, 1702, to Capt. Moodie to make the best of his way to Newfoundland, together with Capt. John Leake's orders to the same effect, but that in case Capt. Leake should be gone before his arrival, to make the best of his way after him to England, H.E. and Council observe that Capt. Moodie did not receive said orders till Dec. 14, and at that time was not in a condition to sail, nor could be in less than 5 weeks, by reason of his want of provisions, sickness of his men and other inconveniences, since which H.E. hath had an account that Commodore Leake is safely arrived in England with his fleet and prizes, so that in all probability the service for

1703.

which Capt. Moodie was designed is long since over, and it having been represented to H.E. and Council, by Capt. Moodie and diverse masters of merchant ships that the season of the year will not permit H.M. said ship to go upon the coast of Newfoundland, and there being now in this Colony diverse ships bound for England, some whereof are ready to sail and others will be in a short time; and H.E. and Council finding by the Lords Justices' Instructions Sept. 13, 1698, that no ships are to be permitted to sail out of this Colony in time of war except in fleets or at such time as shall be notified for their meeting of convoys, and that there is no advice of any such convoy designed hither this spring, so that if this opportunity is once lapsed the said ships may in all probability be in this Colony all this summer, which will not only be the ruin of the ships and loading, but also endanger the lives of the seamen, H.E. and Council with all deference to the Orders of H.R.H., are humbly of opinion that it will be very much for H.M. interest and service, and the advantage of all H.M. subjects concerned in tobacco and shipping as well in England as here, that Capt. Moodie take under his care all such ships as shall be ready to sail with him March 4th, and convoy them directly for England, and that H.E. issue his orders to Capt. Moodie accordingly; and that, considering the above reasons, H.E.'s Order and his hand and the seal of the Colony will be sufficient to indemnify Capt. Moodie for his staying and sailing with them; and are confirmed in this opinion by Capt. Moodie's orders from the Admiralty, June 25, 1701, which add, "when you shall receive orders from this Board for the returning home, you are not to leave the Colony before you have given timely notice thereof to the Governor, that so, if any immediate occasion should happen of service, the same may not be disappointed for want of the said Governor's knowing how you intend to proceed."

Ordered, that Capt. Moodie appoint the place for the fleet to make up.

Ordered, that the ships sail March 4th, whether Capt. Moodie stays or not.

The proceedings of Council being read to the Masters of ships who petitioned H.E. Jan. 13, they all declared their satisfaction therewith.

Ordered that the Collectors and Naval Officers do not clear any ships after the fleet is sailed.

Writs were signed for the election of burgesses for the General Assembly to meet on March 17th.

Proclamation ordered for returning lists of all officers, civil and military, and of the county and parish levies being prepared. [*C.O.* 5, 1409. *pp.* 275–277; *and* 5, 1412. *pp.* 30–32.]

Jan. 16. **192.** Lords Commissioners of the Admiralty to the Queen. Since our attendance upon your Majesty yesterday morning in Council, we have discoursed with Mr. Blathwayt as to the orders to be given to your Majesty's forces going to, and already in, the West Indies. *Recommended that* Col. Colombine's Regiment be sent away as soon as possible to strengthen the forces under Col. Codrington at the Leeward Islands, and, if it be not done already, that they, together, attack the French Cariby Islands, viz., Martinico and Guadalupe, and endeavour the entire destruction of their Plantations and settlements on them, bringing away the inhabitants to England, as we formerly proposed. That, if it be thought feasible by a Council of War, they do attempt the taking of Fort Royal *du cul de sac* at Martinico, and if they take it, leave one compleat Regiment for the security of it, and that they govern themselves by the resolution of a Council of War, whether after their landing, they shall first attempt the said Fort, or begin with the destruction of the settlements upon the Island. When the service is over at Martinico and Guadalupe, we conceive it will be necessary to compleat the Regiment now at Nevis, and which is to continue there, and that the rest of the forces do embarque for Jamaica, and after having recruited the two Regiments belonging to that Island, up to their full complement, which in regard to the health of the men who are to go further, ought to be done in as short a time as possible, the remaining part should proceed with Vice-Admiral Benbow to Newfoundland, and endeavour the taking of Placentia, and such other services as a Council of War shall judge reasonable to be undertaken. But if when the forces from Martinico are come to Jamaica and join'd Vice-Admiral Benbow, he thinks he shall be too early at Newfoundland for the service intended there, your Majesty will in that case be pleased to order him to call at New England, and get what supplies of men he can from Col. Dudley, the Governor, to assist him in his attempt upon Placentia, which is represented as a place of strength, and further direct him to take care of and furnish those men with provisions, and passage along with him, upon this enterprize, giving them assurances of your Majesty's protection and favour, and that he does the same to such as shall come to him from New England to Jamaica, which we are informed by Mr. Blathwayt 300 intend to doe. And to prevent all delays in your service, your Majesty will please, that upon the arrival of the *Resolution* at the Leeward Islands an express be despatched to Vice-Admiral Benbow with notice of what is intended, that he may have his ships in a readinesse to sayle, against the time that the forces abovementioned shall come to joine him. *Signed.* G. Rooke, D. Mitchell, Geo. Churchill, Richd. Hill. 3 *pp.* [*S.P. Naval* 7. *Under date.*]

[Jan. 16.] **193.** Reasons why the united Forces of England and Holland should sail without delay to the West Indies. Now is the most proper time for an attempt upon the Spaniards in the West Indies, when the destruction of the French and Spanish ships at Vigo hath put the first under an impossibility of sending a fleet to oppose the confederate Navy and the latter under the highest consternation. . . . Without the acquisition of a Port such as the Havana and some others, such as may secure our Fleets, where we may lay up Naval Stores, refit and clean our ships, our Trade to Jamaica and other parts cannot be safe,

1703.

In no part where the Enemy can be attacked can there be such hopes of success, nor such great advantages to the Confederacy (particularly to England) from a happy event, since the opening a Trade with the Spaniards in America hath an immediate prospect of returning bullion for our manufactures, and is the only possible amends to be made the merchants in generall for the interruption of Trade in Spaine, the Mediterranian and elsewhere. Nothing can so effectually prejudice the Family of Bourbon or advance the interests of the House of Austria, since a fixed footing and a secure Port in America must let the Spaniards see that nothing but a Treaty in favour of the House of Austria in a generall Peace can secure them the enjoyment of their Country or the benefit of Trade. . . . These forces joyned with those of New York, the Jerseys and New England might easily take Quebec. and drive the French entirely out of Canada, a design of the highest importance in itself and a preservation to our Northern Colonys, which by that great establishment must in time be undermin'd and destroy'd. For that design this is the very season, it would recover troops diseased by the services against the French Islands. *No signature. Endorsed,* R. Jan. 16, 170$\frac{2}{3}$. 2¼ *pp.* [*C.O.* 318, 3. *No.* 7.]

[Jan. 16.] **194.** Copy of Mr. Atwood's reply to the Lord Cornbury's Reasons (as certified by Mr. Honan), for suspending him from the Council of New York. Respondent, humbly submitting what would be the consequence if Governors in remote Plantations should be suffered to exercise original jurisdiction over judicial proceedings and acts of State under former Governments and to assume the offices of Judge and Juryman, and if the bare certificate of a man so notorious for aiding and abetting pyrates and other foul practices as Honan, should be admitted for a charge against a Judge, whose impartial judgements for the Crown have raised great clamours from open violators of the Law, begs to represent (1) He is not to be thought charged in any particular by the Lord Cornbury, since nothing appears under his hand, to subject him to an action, if the accusation prove groundless, and the original, if any such there be, is in his own custody. (2) His Lordship, though he actually suspended this Respondent June 9th, has hitherto given no reason according to the Trust reposed in him, the supposed reasons not being certified by himself. (3) In the preluded reasons, 'tis said his Lordship was soon after his landing presented by a great number of the principal inhabitants with 33 articles against respondent with a great number of affidavits to support and justify them, and yet no article appears with anybody's hand to it, neither has his Lordship or Honan transmitted any one pretended proof prior to the suspension. (4) All the supposed proof rests upon the credit of Honan's certificates, and if the Attorney General Broughton, who would have his inactivity and coldness in the service of the Crown pass for cause of censuring Respondent's zeal, in conjunction with the late arbitrary Mayor and Rip Van Dam, provoked by that lenity which accepted of his acknowledging his offence, have succeeded in their labour to get affidavits to colour a suspension first pronounced without any one pretended proof of the grounds, it is to be presumed that they have made such interlineations and charges that they dare not suffer the originals to be seen. The affidavits not being taken in any Court nor capable of being on record, no copies of them can be evidence. (5) If such papers could be admitted for evidence, it would appear that all the imagined grounds to colour the suspension are founded upon judicial proceedings, wherein if there be error, the Law has appointed a proper method of reversal, till then the Judgments in the Supreme Court and Sentence in the Vice-Admiralty ought to be looked on as inviolable, and to countenance reflections upon them would be a great prejudice to the course of Justice, especially in the Plantations, where that course is too frequently stop'd at the solicitation of offenders. (6) No examinations ought to have been taken by the Lord Cornbury against Respondent, unless in relation to corruption or some practice foreign to the office of a Judge; indeed the supposition that this Respondent demeaned himself unduly, unjustly and corruptly was declared as the ground for the suspension pronounced, but neither before nor since was there the least proofe to colour it. (7) If the Lord Cornbury had authority to try causes over again originally in his Chamber, and should have found that there was cause for Respondent's being suspended, yet by virtue of the act continuing all Commissions which were in force at the demise of the late King, his Lordship could not suspend, having no authority to make void the Commissions which were to be in force six months after the demise etc. (8) In any case, his Lordship's power was unjustly executed, the suspension being pronounced before any proofe upon oath and without communicating any particular ground to Respondent or hearing what defence he could make. (9) The only colour for Respondent's suffering what he has hitherto done is from the authority and reputation of a Governor who labours to make good his undue censure, the real grounds for which cannot be set in a true light without shewing wherein his Lordship would excuse his manifest renouncing the authority of an English Governor by breaking the Laws of Trade and protecting the notorious breakers of it from justice, imprisoning the Sherif of the County and City of New York in the Fort, for not giving liberty to a condemned traitor, who fully and freely confessed his crime, suffering such prisoners to escape and encouraging one of them to bring actions of 10,000*l.* each against his Judges, violating the rights of the City, taking away the freedom of elections to the General Assembly and by such means procuring a majority to his mind, with other enormities, whereby he has forfeited that reputation, the presumption of which is to supply a total defect of evidence. Respondent hopes he shall not be obliged to make any further or more particular answer till he shall have obtained leave to exhibit articles against the Lord Cornbury and one of his instruments, Attorney General Broughton, upon examination of which it will appear that if this Respondent

1703.

would have connived at illegal trade, scurrilous reflections upon H.M., and a manifest defection from the Crown, he might have still enjoyed his offices with plenty and outward peace, etc. *Signed*, Will. Atwood. *Endorsed*, Recd. Read Jan. 16, 1702 (3). *Copy*. 4 *pp*. [*C.O.* 5, 1084. *No*. 16; *and* 5, 1119. *pp*. 335–341.]

Jan. 16. **195.** Minutes of Council of Jamaica. Ordered that the Receiver General buy up for the use of the Governor a handsome bed and bedstead, with all other furniture suitable for a lodging room.

Petition of Benjamin Wales, setting forth that his wife was taken away from the North side by a French privateer and a servant of his also, and praying that a Flag of Truce may be sent to demand them, recommended to the Admiral, requesting him to send one of H.M. vessels to Leogane to demand them. [*C.O.* 140, 6. *p*. 116.]

Jan. 17. **196.** Memoranda [by William Blathwayt], as to Col. Colembine's Regiment, etc. 1 *p*. [*C.O.* 318, 3. *No*. 8.]

Jan. 17.
St. James's. **197.** Order of Queen in Council. Copies of such papers only to be given to Mr. Atwood and Mr. Weaver, upon their desire, as have been transmitted by the Lord Cornbury to make good the charge sent over by his Lordship against them, it being H.M. pleasure that the matter of the said charge etc. be heard before H.M. at this Board on Thursday next without any further delay. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 18, 170$\frac{2}{3}$. $\frac{3}{4}$ *p*. [*C.O.* 5, 1084. *No*. 17; *and* 5, 1119. *pp*. 341, 342.]

Jan. 17.
Boston,
Lords day. **198.** Minutes of Council of the Massachusetts Bay. The Hon. Thomas Povey, L.G., communicated to the Council the intelligence he had received this day by letters from the County of Barnstable directed to H. E. (who is not at Piscataqua) of the surprizing and taking of two or more of our sloops, and a whale-boat or two at Cape Cod by a French sloop upon Friday last. Advised, that H. E. make out an order for taking up of a suitable vessel to be forthwith equipped, armed, victualled and manned with 40 or 50 men, to be sent forth under the command of Capt. Cyprian Southack in pursuit of the said enemy; and that the intelligence be forthwith expressed to H.E. Mr. Treasurer was directed to make provision for victualling the vessel for 6 weeks at the least. [*C.O.* 5, 789. *pp*. 476, 477.]

[Jan. 18.] **199.** State of the Case of Samuel Allen, Proprietor of New Hampshire, setting forth his title to the Province of New Hampshire. [*See Calendar A*. & *W*. I. 1701, *No*. 271.i.] With notes for queries to be addressed to the Attorney General. *Endorsed*, Recd. Jan. 18th, Read April 5, 1703. 3 *pp*. *Enclosed*,

199. i. Copy of Affidavit of Nathaniel Boulter and John Redman, of Hampton, N. Hampshire, as to Capt. Mason's rights in New Hampshire, Nov. 6, 1685, 2 *pp*.

199. ii. Copy of similar affidavit of Francis Small of Piscataqua, Sept. 5, 1685. 2 *pp.*

199. iii. Copy of similar affidavit of George Walton, of Great Island, New Hampshire, Dec. 18, 1685. 2 *pp.* [*C.O.* 5, 863. *Nos.* 8, 8.i.-iii.]

Jan. 18. St. Christophers. **200.** Governor Codrington to [? *the Earl of Nottingham.*] In obedience to your Lordship's last orders I have used my utmost diligence to get ready all the men I possibly could against my Lord Peterborough's arrival. I found a surprizeing backwardness both in the gentlemen and common people, and have been foret to exert all my interest and authority upon this occasion. However, I have pretty well struggled through the difficultys, and shall have a verry good Regiment of twelve companys and two independant companys prepared to embarque, let my Lord come as soon as he pleases. I shall attend his Lordship in person and doe what little service I can. I beg your Lordship to beleive and assure the Queen whenever her glory and the interest of her arms are concerned, no man has the honor to be employed by H.M. shall serve with more zeal and less reserve of person or fortune then myself. I am at present wholly in the dark as to the scheme which has been laid, and therefore can form no judgement concerning it. I beg leave only to say, if wee take Martineque everything else will follow of course, and to take that Island only would be a greater service to the Nation then to conquer the Dutch Spice Islands. If we attempt it briskly, I believe wee may succeed, and my Lord Peterborough, I am sure, did not come into the Indies to trifle. *Signed*, Chr. Codrington. *P.S.*—Having mentioned the backwardness of our people, I think it will be best to give your Lordships the reasons of it. The first is the ill-usage our creoles met with under Col. Fowke, which they still remember, and are therefore very shy of serving under a European General or indeed mixing at all with European forces, but this I easily got over by letting everybody know how different a man my Lord Peterborough is from Col. Fowke, but the chief obstruction ris from the enclosed letter, which I suppose the Admiral ordered onely to be communicated to me, but the Master of the vessel who brought [*it*], opened it at Antigua, whilst I was here, and copys were spread abroad by some factious ill-natured people, to make the inhabitants believe when they were listed, they would be sent down to Admiral Benbow and employed at the Havana and Hispaniola; and this notion so much prevailed that I have had ten times the trouble that otherwise I should have had. I shall never faile my Lord to doe my duty heartily and sincerely in spight of all opposition whatever. *Signed*, Chr. Codrington. *Endorsed*, R. March 13, 170⅔. *Partly holograph.* 3 *pp.* [*C.O.* 239, 1. *No.* 5.]

Jan. 18. Whitehall. **201.** Council of Trade and Plantations to the Queen. Transmitting the Act of Maryland, March 25, 1702, *for the Establishment of Religious Worship, etc.* Divers Acts relating to the establishment of religion in Maryland having from time to time been

1703.

repealed by reason of several defects therein found, and we having prepared, by his late Majesty's directions a draught of an Act with such alterations from the Act of April 26, 1700, as were thought most proper to the end designed and agreeable to the toleration allowed here, and the aforementioned Act having, in accordance with H.M. Order in Council, June 5, 1701, been transmitted to Maryland and passed there, is now laid before your Majesty. Upon examination we find it conformable to the foresaid draught and humbly offer that it may receive your Majesty's Royal approbation. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 726. *pp.* 170–172.]

Jan. 18. St. James's. **202.** Order of Queen in Council. Affirming the Act of Maryland *for the establishment of religious worship in this Province according to the Church of England and for the maintenance of Ministers.* "The said Act is hereby confirmed, finally enacted and ratifyed." *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 25, 170⅔. 1 *p.* [*C.O.* 5, 715. *No.* 71 ; *and* 5, 726. *pp.* 172, 173.]

[Jan. 18.] **203.** Memorial of the Undertakers for producing Naval Stores in New England etc. to the Council of Trade and Plantations. (1) Less than a stock of 100,000*l.* will not be sufficient to carry on this undertaking, but are willing not to exceed that sum without licence from the Queen. (2) For a farther security against stock-jobbing, we p[*ropose*] that no person having any interest in the said Stock who shall sell all or any part of his interest, shall be capable of purchasing any part of the said stock within one year after any such sale etc., and *other proposals. Signed*, Wm. Wharton, Agent. *Endorsed*, Recd. 18th, Read Jan. 20, 170⅔. 2 *pp.* *Edges torn.* [*C.O.* 5, 862. *No.* 145.]

Jan. 18. Whitehall. **204.** Journal of Council of Trade and Plantations. Order of Council, Jan. 17, directing that the copies of papers to be given to Mr. Atwood and Mr. Weaver, upon their desire, be only such as have been transmitted by the Lord Cornbury to make good the charge sent over by his Lordship against them, read. Attwood and Weaver on the one side, Mr. Thrale and Col. Lodwick on the other, being thereupon called in, the said order was communicated to them ; and observing the limitation of that Order, neither side desiring any further copies of papers within that limitation, they promised to meet this evening, and to deliver to each other interchangeably the copies of such of the papers which they have already as they intend to make use of at the hearing.

Their Lordships observing that several of the papers transmitted by the Lord Cornbury are signed by Daniel Honan as Secretary and thereupon enquiring of Colonel Lodwick into the state of the Secretary's Office, he acquainted the Board that Mr. Matthew Clarkson had been constituted Secretary by Patent from hence in 1690, and enjoyed that place accordingly, but was lately dead,

1703.

and that the Lord Cornbury had thereupon appointed Mr. Honan to officiate per interim in his stead.

Order of Council, Dec. 31, for repeal of Acts of New York laid before the Board.

Mr. Wharton laid before the Board a further Memorial in the name of the Undertakers for bringing Naval Stores from New England.

Mr. Usher laid before the Board the state of the case of Mr. Allen, Proprietor of New Hampshire, with four queries which he offers to be proposed to the Attorney General for his opinion upon them in point of Law.

Order of Council, Dec. 17, upon a Representation from the Committee of Council for hearing Appeals, relating to an Appeal of Mr. Allen, laid before the Board.

Representation upon the Act for the establishment of Religious Worship in Maryland signed and sent to the Council Board.

Jan. 19. Letter from the Board of Ordnance, Jan. 14, read. Answer returned.

Draught of an Instruction to Sir Beville Granville upon Sir John Colleton's case [*see* Dec. 31, 1702], was agreed upon. Representation ordered wherewith to lay the same before H.M.

The Secretary laid before the Board a division of the accounts of the incidental charges of this Office, which were transmitted to the Lord High Treasurer, July 7 and Nov. 6. Whereupon a letter was writ enclosing the same to his Lordship for his favourable directions therein.

Letter from Mr. Penn of this date read. Directions given for preparing a Representation to be laid before H.M. on that matter.

Jan. 20. Representation wherewith to lay before H.M. the draught of an Instruction for Sir Beville Granville, signed.

Two memorials from Mr. Wharton in the name of the Undertakers for importing Naval Stores from New England read. Directions given for altering some clauses in the draught of the Charter that lies before the Board, so that they may have liberty to purchase lands not exceeding the value of 5,000*l.* per annum, that the limitation of their stock be extended to 50,000*l.*; that in the last clause for vacating their Charter, there be allowed 18 months after the declaration of H.M. pleasure therein; and that all the remaining clauses of the said draught continue as they now are. [*C.O.* 391, 15. *pp.* 374–381; *and* 391, 97. *pp.* 45-55.]

Jan. 19.
Whitehall.

205. Council of Trade and Plantations to the Board of Ordnance. In answer to yours of Jan 14, we think that the arms etc. designed for Virginia ought to be sent by the first convoy, which is appointed to be ready by the latter end of this month. The security of the Province very much depends upon the arrival of the said arms, which are of most use in the summer season, and great part of them immediately to be delivered to the Militia, who are in expectation of them. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [*C.O.* 5, 1360. *p.* 362.]

1703.
[Jan. 19.] **206.** Articles of Complaint against Lt.-Gov. William Partridge. He entered on the Government of New Hampshire without being duly qualified by oath, and thereafter traded illegally, importing Spanish iron direct from Spain, and ship's timber fit for H.M. service to Spain, Portugal and Algiers. [*See* Cal. 1696–1702.] Last summer he arbitrarily suspended George Jeffreys from the Council, without assigning any cause. Partridge being the chief trader in that Province, and the Naval Officer, being insolvent and indebted to him, is under his power and very remiss in executing his office. *Signed*, Wm. Wharton. *Endorsed*, Recd. Read Jan. 19, 170⅔. 2½ *pp.* *Enclosed*,

206. i. Memorandum of documents relating to Usher *v.* Partridge, 1697–1700. 1 *p.*

206. ii. Deposition of John Usher in confirmation of above charges. *Signed*, John Usher. Jan. 2, 1702(3). 2½ *pp.*

206 iii. Deposition of Robert Armstrong, late of New Hampshire, in confirmation of above charges. *Signed*, Rot. Armstrong, Jan. 2, 1702(3). 1½ *pp.*

206. iv. Deposition of Richard Wibird, Mariner, of New Hampshire, in confirmation of above charges. *Signed*, R. Wibird, Jan. 2, 1702(3). 1 *p.* [*C.O.* 5, 862. *Nos.* 146, 146.i.-iv.; *and* 5, 910. *pp.* 360-366.]

Jan. 19.
[19th 11m.
(Jan.,
1702).] **207.** William Penn to the Council of Trade and Plantations. Honble. Friends, I enclose the certificate of the security being given by the two gentlemen that were accepted by you, and pray the utmost dispatch of the Queen's approbation of my Lt.-Governor, because the ships goe in a day or two. I also humbly pray that ye approbation be so worded that the year to which it is limitted may not commence till May 1st, 1703, or rather not end till the first day of the month called May, 1704, the time of going, from weather or the ennimy, being uncertaine, it may be in 6 weeks and it may be 6 months, which would make a great hole in that time. For the Laws, I beleive they are the present Body of Laws, but at the perusall of my next letters, now in the Channell, I may be better able to answer your letter on that subject. I am with respect, your assured faithful Friend. *Signed*, Wm. Penn. *Endorsed*, Recd. Read Jan. 19, 1702(3). *Holograph.* 2 *pp.* *Enclosed.*

207. i. Certificate from H.M. Remembrancer's office in the Inner Temple, Jan. 15, 1702(3), that security has been given for Lt.-Gov. Hamilton. *Signed*, R. Barker, D. Rem. 1 *p.* [*C.O.* 5, 1262. *Nos.* 18, 18.i.; *and* 5, 1290. *pp.* 282-284.]

Jan. 19. **208.** Earl of Rochester to [? *Earl of Nottingham*]. It appearing by the muster-rolls of Col. Handasyde and Col. Levesay's Regiments sent from Jamaica, that they are only signed by the officers of each company, and not by the Governor and Council, or any three of them, as H.M. regulation directs, it is desired that fresh and pressing directions may be forthwith sent strictly to comply with the regulation aforesaid, as the only means to prevent the

1703.

payment of more then there shall be actually in service. *Signed*, Rochester. *Holograph.* ½ *p.* [*C.O.* 137, 45. *No.* 39.]

Jan. 19. **209.** Minutes of Council [*in Assembly*] of Barbados. After reading a letter from Capt. John Foljambe, H.M.S. *Kinsale*, desiring to be indemnified from being made liable for H.M. stores spent on the supernumerary men appointed him by order of this Board, and likewise desiring directions and orders for the discharging and continuing them on his books, ordered that a letter be sent to the Navy Board to certify the occasion and necessity for H.M. particular service of taking on board the said supernumeraries, and if Foljambe is of the same opinion as he was that they would be allowed of, and that it has been practised, he might either contrive or discharge them, as he thinks fit, but this Board are of opinion that there is not that occasion for them now as was then.

The Messenger acquainting the President and Council, on enquiry, that the Assembly had not made a House, the President sent a message to the Speaker that it was his desire that they would not fail of making a house the next morning, having very urgent affairs that required their presence. The House returned answer that they were adjourned to Friday next and could not meet sooner. The President told their messenger that he expected to meet them next morning according to his order, and that the matters he had to offer were of such great moment that would not admit of any delay. To a second message to the same effect he gave the same answer. They replied that having adjourned to a certain day, it was not in their power to alter it. Whereupon the President ordered letters to be sent immediately to them requiring them not to fail meeting next Thursday morning.

Jan. 20. [Wednesday]. Report of the Attorney and Solicitor General read, relating to the French that came up in the pretended Flag of Truce, who were suspected to be spies; and also a letter from M. Torraile, who came in the said vessel, praying that he might have the benefit of the cartel settled between this Island and Martineco. Ordered that a Commission issue for trying the French prisoners by a Court Martial on Munday next.

This Board being informed that Capt. Hovenden Walker did intend to send one of H.M. third rate ships under his command as a convoy to some East India ships lately arrived here, for London, believing it might be of fatal consequence to the expedition they are now sent upon by lessening the forces, did acquaint Capt. Walker with their dislike thereof, to which he answered there were forces sufficient to engage all the French could send to these parts, and that he had lately received orders from England and would answer for what he did in that matter.

He proposed that the man-of-war which is appointed the guardship here, instead of cruising to windward of this Island, might be off Martineco, which might be a means to keep off their Privateers, to intercept all French ships going into Martineco, and retake any of our merchant ships that might be taken by the enemy.

1703.

24*l.* paid to John Cotrell, for 6 months taking care of the house and plantation which is hired for the Governor.

Jan. 21. Mr. Reynoldson's account for entertaining the French that came in the Flag of Truce recommended to the Assembly.

The Assembly attending, the President desired they would make an end of those matters he recommended to them at their last meeting; that some care be taken for continuing the Act for Maintenance of the Forces till they are embarked, the month's limitation by that Act being very nigh expired; that an Address be made to H.M. for some disciplined troops and ships for convoys etc., and that a Joint-Committee be appointed to prepare the same; that the Act for securing the possession of Estates here, which was sent for England, had miscarried, and therefore that a duplicate be sent to their Agents, and that care be taken for money to be ready in England for carrying on several necessary matters there for the advantage of this Island.

The President read his reply to their answer to his speech: "I am very sorry that what I lately delivered to you failed of the attainment of those good effects intended viz. the rectifying of some errors which I conceived were prejudicial to H.M. service, inconsistent with your duty to her and our common interest, and hath only produced an ungrateful and unreasonable controversy, your answer giving me just occasion to believe you more willing to justify and persist in your errors than to acknowledge or amend them. I am very glad to hear, what you suggest, that your understandings are so well informed, that you want no directions from us, but should be more pleased to find your actions conformable. I am willing to construe your words or actions in the best sense that charity will allow. You ought not, Mr. Speaker, to have accused me of want of charity or any illogical misconstruction of your well-intended actions without giving some real instances of the incoherence or disagreement between my premisses and the conclusions. How far your answer is a modest vindication, as you say, will best appear by an examination of particulars. You tell us that you question not either our sincerity or diligence in our dispatch or promotion of things for the public good, and the reason, you subjoin is, because recrimination is not your business, which plainly implies you would have it believed you had something to offer in contradiction to both, but that you are pleased to spare us at this time, which is an insinuation as far from truth as it is from modesty. In the next paragraph you tell us how irksome it is to you to be charged with dishonouring our gratious Queen and disparaging her Government, when the whole course of your lives has been a continued manifesto of your strict loyalty even to the most malitious, by which you infer that we are supereminently malitious. Your account of your proceedings in the Bill for taking up and fitting vessels of war is a false representation of your action and ours. You very untruly insinuate that the reasons of our not readily passing that Bill were some objections made against that part of it which related to those gentlemen's security, who were to advance the money for the public service, whereas you cannot be ignorant, if you do not artfully overlook the amendments we sent you, that we did not touch that part at all, but some clauses very foreign to that matter that were tackt to the Bill, which we conceived neither in duty to H.M. nor in prudence could be passed by us, so that your "disjunctive proposition" proves a mere fallacy and error not of ignorance, but of disingenuity and design, as I reasonably conclude from your passionate and unmannerly zeal to have that Bill passed exactly as it was, intending to surprise us to do that in haste, which you could hardly suppose us to be weak enough to do with any deliberation. And because we would not do this, Mr. Speaker was pleased to threaten us that you would go immediately and dismiss the vessels that were taken up for H.M. and the country's service and charge all ill consequences upon us, a very unjust and malitious design, and seditious too, and that you did not put this design in execution, I cannot attribute so much, Mr. Speaker, to your own temper as to the moderation and prudence of some other Members of the Assembly many of which, I doubt not, highly disapproved of such proceedings, and cannot but wonder how the major part of them have been prevailed upon to esponge Mr. Speaker's errors, whose intemperate heats and rudenesses are become habitual. It was our not complying unreasonably with this Bill that raised his passion, and produced such indecent comparisons and expressions, wherein he told us that you were the Great Council, which I think, notwithstanding Mr. Speaker's childish evasions, very logically infers that he took us to be the less, for all who understand the idioms of the English language know very well that upon the comparison of two Councils, when one is said to be the great Council, this expression implies an inferiority in the one and superiority of the other in dignity, and cannot with[out] any propriety be meant of numbers. As to your comparison of the Assembly here with the House of Commons, I never understood that upon the account of their greater numbers, that honble. body ever called themselves the Grand Council of the Nation exclusive to or in competition with the House of Lords, and always apprehended that both Houses together made up the Grand Council of England. Nor can we take your standing and being bare as any acknowledgment of our superiorities, when at the same time we stood and were uncovered also, having more reason from Mr. Speaker's words and behaviour to infer that he took that respect we have always shewn and received you with as a token of our inferiority to you as the greater Council. As for the conceit of your being superior to us in dignity implying a lunacy *etc.*, I can account no further for it then with the Moralist—*Ira furor brevis*. That you did not think then of a superiority of number but of dignity may further be inferred from the reason you were pleased to assign of your being the Great Council, which was that you represented the whole body of the Island, and we represented nobody but ourselves, that is as much as to say, you sat by some authority, but we by none at all, and upon this account Mr. Speaker proceeded to tell us that it was your Province, not only to council and advise, but to admonish us too. Whereas I think admonition implies authority

1703.

and cannot properly be offered to those we acknowledge our superiors, and as for the word "humbly" subjoined now in the answer, it was not then mentioned. This imperious way of pressing us to pass the Bill together with its faults, seems to imply an expectation in you suitable to the greatness you assume, that we should do it not by your advice, but by your prescription, and that you would impose upon our reason by your authority, and therefore that expression of a Member of our Board (that we would not have a Bill popt upon us) was not only gentle enough, but very proper and suitable to the disrespect and provocations that extorted it, and your passionate zeal, with which we were pressed to pass that Bill without deliberation or amendment, appearing to be what Mr. Speaker calls it, a trick to betray us to act contrary to our duty and our reason, and a design to impose both upon our loyalty and understanding.

As to the irreverence of the expression, Mr. Speaker is a very unfit person to make the objection. *Refers to the Speaker's own coarse expressions when the Assembly attended upon his late Excellency and Council upon occasion of H.M. rejection of the Act to ascertain the rights and powers of the Assembly.* Your sentiments of our superiority is shewn by your saying that it is only precarious and discretionary. You tell us plainly that you are independent upon H.M. Council, because you enjoy a negative voice as well as we, but where the logic of this conclusion lies, I cannot find.

As to our appointment of a "professed Papist and non-resident" to command the Flag of Truce, we know him to be married and suppose him to be settled in this Island. As to his being a Papist, we told you that we held that to be a very good reason of laying him aside, if true, but none of you when challenged would aver it upon your own knowledge. However, we thought fit to wave him, and accept of the person you recommended, being a Member of your own House, which, because we would not do hastily upon your first motion, Mr. Speaker told us that your House took it ill from us, and therefore now that the Gentleman recommended would not go; that you had a right to recommend such persons as were sent upon those occasions; by which we conjecture that you are of opinion that we are bound up by your recommendations, and are confirmed in this opinion by your late resolutions not to fit out any vessels of war for H.M. service, unless such persons as you recommended should be adopted as Commanders. Now tho', Mr. Speaker, we should always be willing to take your advice in all such matters as far as it appears to us to be conducing to H.M. service and the common interest, yet to be wholly determined and confined by your recommendation or to pay such a deference to your authority as to lay aside our own reason and wave that freedom of choice which belongs to us, would not only be an imposition upon us, but a prescribing to H.M. a deminution of Her authority, and refusing Her the liberty of putting in Commanders into her own ships.

As for your excuse for the presumption of doing that by yourselves separately which you had no power to do but in conjunction

1703.

with us, that it was a force upon you because the thing would not bear any delay, we are well satisfied that there was no such force and necessity upon you, for upon the least intimation from your House I would immediately have called a Council, who I am satisfied, would immediately have convened upon any necessary emergency. As for your suggestion that we seemed to be satisfied with the excuse you made, the doing an unlawful thing first and excusing it afterwards, cannot alter the nature of the thing. As for your excuses for not meeting, I cannot find the force they should have upon your adjournments when met, nor what fatality should lie upon you so precipitately to disperse as you have done more than once, unless you suppose such a state as by a secret and irresistible influence determines men's wills to act contrary to their knowledge. Your reply as to the 4½ p.c. is another instance of your gratitude and modesty. Another instance of your zeal for H.M. service which you lately gave us was when upon a proposition of some of H.M. Captains that they would victual and man our brigantine, which you would neither do yourselves nor suffer them, tho' lying then upon the spoyl, and without which their heavy ships could not be supposed to be able to do any considerable service. Upon our moving this to you, you sent us a paper modestly intituled an Order for the Brigantine's being admitted to sail provided H.M. Captains would give personal security in 2,000*l*. to return her safe at an appointed time, a thing never required before of any Commander. Now though you could not but see that this proposition would give them just occasion of distast, and that it was too ridiculous for yourselves to propose, yet you modestly leave it to us to put your Order in execution immediately dispersing yourselves according to your accustomed manner, to prevent the opportunity of sending you our opinion, and now the vessel lies useless and decaying. I am sorry to tell you I find in you generally an indisposition to do anything for the good of the Island that is recommended by us, only for that reason. I could give many instances, as your backwardness to provide for the safeguard of our coasts, the little care, tho' I have often pressed it, you take to pay the soldiers and seamen that have already been in the country's service, who now go starving about the streets, with just exclamations against the Public faith ; and the great difficulty with which I prevailed upon you to make any tolerable provision for the reception of the Earl of Peterborough and our expected Governor ; and your great opposition and delays to the receiving and quartering of the land forces sent by H.M. for the safety of these Islands ; and lastly the little care you take either to inform or pay your Agents at home. By all which I gather that the principal thing you aim at is an exorbitant power which doth not belong to you, and that you prefer your own ambition and honour to the honour and service of H.M. and the interest of the people whom you represent. Which irregularities I must advise you to amend, not designing to word it any further with you, for I intend this reply for an admonition, not a dispute, and hope you will not persist further to make it necessary for me

1703.

to give you a demonstration of your dependance upon H.M. and consequently upon us, as delegated by H.M. authority, which, if I should be constrained to do, I doubt not to give H.M. such reasons for our proceedings as shall be approved by her, and to make evident to the people which of us is really most zealous to promote the common good.

This is what I intended to have said to you on Tuesday last, if you had then made an House; and now you have given me a fresh occasion to complain of your negligence and disrespect in refusing to sett the next day, though I acquainted you that very urgent affairs required your presence, and notwithstanding my appointment of the day, your adjournment of yourselves (in contempt) to another.

The Speaker in answer said, We must word it farther. The President answered that he had not consulted the House yet. The Speaker replied that he knew the temper of their House well enough.

In the afternoon, the Assembly attending again, declared in answer to what was recommended to them, an Act for the further accommodation of H.M. forces; an Act for raising a levy to discharge the public debts of this Island; that they had appointed a Committee to join with a Committee of the Council to draw up an Address to H.M.; that they had taken care to send duplicates of the Act about securing Estates as required; that they had received a letter from Capt. Walker desiring that an Act might be made to encourage the bring[*ing*] in all deserted seamen, but believing that 'twould take up too long time to prepare an Act and have the same publisht, they desire that the President would issue his orders to the several Collectors to send out patrols as was done in the time of Sir Francis Wheeler; that Mr. Cox's petition was referred to a Committee; and presented an Address for their Clerk's salary. They acquainted the Board that John Heywood and one Merrick had complained to them that the Secretary refused to give them their orders for money laid out by them for the fortifications, without they would pay him 10*s*. for the same, which they alleged was contrary to the Act made for that purpose. They prayed for a copy in writing of the reply to their answer, which was granted, and then withdrew.

Bill for the further accommodation of H.M. forces was read three times, passed, and received H.E.'s consent.

Bill for raising a levy was read three times, passed, and received H.E.'s consent.

Joint Committee appointed to prepare an Address to H.M.

Salary of William Rawlin, Clerk of the Assembly, paid.

Petition of Cæsar Brooks, gent., read, setting forth that by a special Court of Oyer and Terminer, he was by a jury found guilty of killing Major Wm. Edwards, in his own defence, and praying H.M. pardon, which was granted. [*C.O.* 31, 6. *pp.* 352–373.]

Jan. 19. **210.** Journal of Assembly of Barbados. The Members present being but 13, adjourned to Jan. 21. [*C.O.* 31, 7. *pp.* 31, 32.]

1703.
Jan. 19. **211.** Minutes of Council of Jamaica. 100*l.* paid to the Commissioners for providing for the distressed inhabitants of Port Royal. Upon the petition of the inhabitants of North side the Governor proposed to draw the two Companies out of St. Thomas in the Vale and send one to St. Ann's and the other to St. Mary's, which the Council approved of.

Jan. 20. Ordered that the embargo be taken off 10 days hence, except boats about the Island and Turtlers, who are to have present leave to go about their occasions.

Ordered that the Commissioners for taking care of the poor people at Port Royal allow 7 *lb.* of flower and 5*s.* in money to every person above five years of age per week and half for those under that age.

Jan. 21. Ordered that what remains due to Col. Beckford for salary as Governor be paid. [*C.O.* 140, 6. *pp.* 118, 119.]

Jan. 19. **212.** Minutes of Council in Assembly of Jamaica. Capt. Hudson and Dr. Axtell were sworn Members of Assembly.

The Governor and Council acquainted the House, in response to their message of Jan. 16, that there is an Act for making Kingston a parish, which appoints the offices to be kept there, as well as at Port Royal, but if the House thinks to propose any other place, the Governor and Council are ready to hear their proposal.

Joint Committee appointed to consider that matter.

Jan. 20. At the above Conference, Col. Lawes declared his opinion that the short of the matter was, whether Port Royal should be resettled or another place settled in the Island, to which several of both Committees concurred. Col. Beckford urged that the safety of the Island consisted in the number of people, and the constraining them to any other place without an equivalent or something to settle withall would occasion their deserting. Col. Lilly, being sent for, gave his opinion that he did not look upon the fortification on Port Royal to be any fortification to the Island, for that there is a channel to Leeward that the ships may go into the harbour and not come within a mile of the Fort. Upon debate, the question put, whether 'tis absolutely necessary for the service, security and preservation of this H.M. Island that a Town for conveniency of Trade should be settled on the main Island or not ; all the Gentlemen of both Committees, except one of the Council and one of the Assembly, declared their opinion that the people late of Port Royal should be settled on the main. The Question was put, whether the people of Port Royal that had land, should have a recompence for it : it was agreed unanimously in the affirmative.

The Governor proposed to the Board that in regard of the misfortunes and hurry, Col. Knight, Col. Sadler and Mr. Chaplin lie under, occasioned by their losses in the late fire, it was reasonable they should have some time allowed them from their attendance on this Board to take care of their affairs. Whereupon it was the unanimous opinion that they should have leave for a fortnight. Joint Committee appointed to consider what place would be fittest to be settled.

1703.
Jan. 21. Petitions of Richard Thompson, Tho. Hudson, Pe. Beckford, and Lewis Galdy, praying to be relieved for customs on wine and cocoa lost in the late fire, recommended to the Assembly.

On the petition of Lewis Galdy for liberty to send up to Curaso for sales for his ship, the Council advised that it was contrary to the Acts of Navigation and Trade, and consequently the Governor's oath.

The majority of the Joint Committee were of opinion that Kingston was the fittest place to be made the seat of Trade and settlement of the people. It was resolved that the old harbour be viewed by Col. Lilly, Mr. Brabant, or such other persons as shall be thought fit.

Capt. Edlyne and Col. Lawes proposed that, since it had been concluded that the settlement of the people should be upon the main, that a short Act should be made immediately to abrogate those Laws which oblige the keeping of the offices at Port Royal. Carried in the affirmative.

The House concurred with the resolves of the Committee, *as above*, and desired that their resolution might be published. [*C.O.* 140, 6. *pp.* 423–428.]

Jan. 19. Portsmouth. **213.** Minutes of Council in Assembly of New Hampshire. Vote sent up that a Committee be chosen in each town to take the estate of each town for proportioning the rates etc.

Bills for a tax of 500*l.*, and for continuing the excise etc. sent up, read three times, passed and received H.E.'s consent. [*C.O.* 5, 789. *p.* 131.]

Jan. 19. **214.** Minutes of Council of Virginia. H.E. read Capt. Moodie's answer to the Order of Council, Jan. 15, wherein he raises some scruples against it and refers to his Lieutenant, Robert Mastertown, for what he has further to say, who, being interrogated, said that Capt. Moodie desired that H.E. would write to H.M. and H.R.H. the Lord High Admiral. that he may be safe for obeying the orders of H.E. for staying and convoying the ships. H.E. by advice of the Council replied that as to writing to H.M., he never did presume to do any such thing, but that a copy of proceedings of Council should be sent to H.M. principal Secretary of State, and that H.E. will, as he always doth, send a copy of all matters relating to Capt. Moodie to the Secretary of the Admiralty.

H.E. laid before the Council another letter from Capt. Moodie Jan. 18, wherein he takes notice that H.E. hath communicated all his letters to the Council, and for what end is best known to H.E.; that he hath sent his purser for more credit, in case he should stay; and that he hath recd. an Order to his Lieutenant releasing one Merriweather, said to be an inhabitant of King William County, whereas he is one of those that run away from the *Nicholson*. Whereupon H.E. declared that he was obliged so to communicate Capt. Moodie's letters, that the Council might judge what was necessary to be done; and that he will furnish the necessary credit upon his writing to him as formerly; as to

1703.

Merriweather, if Capt. Moodie's is satisfied that he is a runaway, he is hereby authorized to detain him. The Lieutenant and Purser declared themselves satisfied with these answers.

Ordered that in case Capt. Moodie doth not stay, the ships make up in York River to sail March 4th. [*C.O.* 5, 1409. *pp.* 278, 279; *and* 5, 1412. *pp.* 32–34.]

Jan. 20. Whitehall. **215.** Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order in Council, Dec. 31st, upon the petition of Sir John Colleton, complaining of an obstruction of Justice in your Majesty's Island of Barbadoes in a particular case wherein he is concerned, we humbly lay before your Majesty the draught of an Instruction to Governor Sir Beville Granville. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,

215. i. Draught of Additional Instruction to Governor Sir Beville Granville. Whereas it has been represented to us by Sir John Colleton, Bart., son of Sir Peter Colleton, decd., that Catherine, the wife of Robert Richardson and William Thornburgh, Executors of Sir Peter, did in 1697, apply themselves to the Commissioners for Trade and Plantations, and afterwards to the then Lords Justices of England, setting forth that they, the said executors, having brought their action against Col. James Colleton and Peter Colleton of Barbados for several lands and negroes devised to them, the said Executors, by the said Sir Peter Colleton in trust for Sir John during his minority, but could obtain no redress therein by reason that Col. James Colleton had prevailed with the President and Council of that Island to make him Judge of the Precinct where the cause was to be tried and did thereby obstruct their proceedings in a regular course of Law; whereupon the said Commissioners having first writ to the President and Council that they should take effectual care that the course of Justice might not be obstructed, but without obtaining the necessary redress in the present case, and the said Lords Justices having afterwards directed by Order in Council, Sept. 26, 1699, that some other impartial and disinterested person should be appointed for the hearing and determining the matters there in controversy between the Executors of Sir Peter Colleton and Col. James Colleton, or that such other way should be taken as might be effectual to remove all delay or obstruction of justice in the said case, which directions were accordingly sent to the Governor that he might take due care therein; but the same have also been ineffectual. And whereas Sir John Colleton has also represented to us that having some time since attained the age of 21, and being then appointed sole executor of his father's will, had duly proved the same and taken upon himself the execution thereof, and that he having afterwards brought his action

against the said James and Peter Colleton for the lands and negroes devised to him by the will of his said Father, they, the said James Colleton, who is still continued a Judge of the said precinct, and the said Peter Colleton, did by their plea of April 15, 1701, insist that the said Sir John Colleton's writ and action against them ought to abate, for that the said James Colleton was by the said writ summoned to appear before himself, and he the said James Colleton gave judgment accordingly. By which unjust delays and proceedings James and Peter Colleton have ever since the death of Sir Peter, March 24, 1693, detained from Sir John the whole rents and profits of his Plantation to the value of 1,000*l.* per annum and upwards. And whereas it is wholly unreasonable that any person should either be Judge in his own case, or by being Judge in a precinct where matters in controversy between him and others do ly, be thereby enabled to obstruct the regular course of Justice, our will and pleasure is that the foresaid Order in Council of Sept. 26, 1699, be renewed in behalf of Sir John Colleton, and we do accordingly hereby direct and require you, the said Sir Bevill Granville to appoint some other impartial and disinterested person for the hearing and determining the matters in controversy between the aforesaid, and that you take especial care to give such other directions therein as may be effectual to remove all delay or obstruction of Justice in the said case. [*C.O.* 29. 8. *pp.* 273–278.]

Jan. 21. St. James's. **216.** Order of Queen in Council. Approving above, and ordering draught of Instruction to be prepared for H.M. signature and sent to Sir B. Granville accordingly. *Signed.* John Povey. *Endorsed.* Recd. Read Jan 26, 170$\frac{2}{3}$. $\frac{3}{4}$ *p.* [*C.O.* 28, 6. *No.* 92; *and* 29, 8. *p.* 283.]

Jan. 20. Portsmouth. **217.** Minutes of Council in Assembly of New Hampshire. Upon hearing the petition of Joseph Palmer for a rehearing of a cause tried before the L.-G. and Council in May last, between petitioner and John Redman, it appearing to this Board that that trial was had since H.E. the Governor was sworn before H.M. and Council, and the execution for the charge thereupon served since the Governor's arrival in this Province, a rehearing is granted to Palmer, he first discharging or securing to Redman satisfaction for the charges he now lies in prison for.

Mr. Ellott was excused the duty of 50*s.* due in exporting of boards out of this River, bona fide put on board before the Act of Impost.

Petition of John Partridge relating to money he laid out for subsistence and support of wounded souldiers was sent to the House of Representatives, who desired that it be laid before the next General Assembly of the Massachusetts Bay.

H.E. prorogued the Assembly till March 11th. [*C.O.* 5, 789. *pp.* 327, 328.]

1703.
Jan. 21.
Whitehall.

218. Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order in Council, Nov. 11, relating to the despatch of your Majesty's Royal approbation of Andrew Hamilton to be Deputy or Lt.-Governor of Pennsylvania and annexed territories for one year only, we have required from William Penn the several previous conditions therein exprest, and having lately received from him a certificate of security [*see* Jan. 19], as likewise a declaration in Mr. Penn's hand that your Majesty's Royal approbation and allowance of the said Hamilton shall not be construed in any manner to diminish or set aside your Majesty's claim of right to the Three Lower Counties upon Delaware River; and also his answer to the four Queries some time since delivered to him, in order to the better settlement of that Province, we humbly represent that, in pursuance of the said queries and answer, we have under our present consideration the ascertaining of one currant rate or value of coin in your Majesty's Plantations on the Continent of America, and are further examining the pretentions and claim of Mr. Penn to the power of Government in the Three Lower Counties; and in the meantime do humbly conceive it absolutely necessary for your Majesty's service in those parts, and agreeable to the Charter granted to Mr. Penn, that in farther pursuance of the queries and answer aforesaid, all persons in Judicial or any other offices in Pennsylvania and the said Lower Counties be obliged before their entering upon any such offices, to take the oath directed by the Law of England, or the affirmation allowed by the said Law to Quakers, and that no Judge be allowed to sit upon the Bench, who shall not first take the oath of a Judge, or in lieu thereof the aforesaid affirmation, as directed by the Law of England; as likewise that all persons who in England are obliged and are willing to take an oath in any public or judicial proceeding, be admitted so to do by the proper officers and judges in Pennsylvania and the said Counties; and in default thereof, or in case the said Judges do refuse to administer the same, that their proceedings be declared voyd and null. And we farther humbly offer that your Majesty's pleasure herein may be signified to Mr. Penn and to the several Judges of your Majesty's Courts within those territories. We also humbly propose that, considering the uncertainty of the voyage to Pennsylvania, your Majesty would be pleased to direct that your Royal approbation of Hamilton be extended to May 1st, 1704. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat Prior. [*C.O.* 5, 1290. *pp.* 285–288.]

Jan. 21.
St. James's.

219. Order of Queen in Council. Approving above Representation, and ordering that all persons in juditial or any other office or offices in Pennsylvania and the Lower Counties, before their entering upon any such office, do take the oath directed by the Law of England, or the affirmation allowed by the said Law to Quakers, and that no Judge be allowed to sit upon the Bench, who shall not first take the oath of a Judge, or in lieu thereof the aforesaid affirmation as directed by the Law of England, as also that all persons who in England are obliged and are willing to take an oath in any public or judicial proceeding, be admitted so to do by the proper officers and judges in Pennsylvania and the Lower Counties, in default of which, or in case the Judges shall refuse to administer the said oath or attestation, H.M. is pleased to declare their proceedings, and they are hereby accordingly declared to be null and void, and William Penn and the Judges of H. M. Courts there, and all others whom it may concern are to take notice hereof and govern themselves accordingly. *Signed*, John Povey. *Endorsed*, Recd. 23rd, Read Feb. 25, 170⅔. 4 *pp.* [*C.O.* 5, 1262. *No.* 20 ; *and* 5, 1290. *pp.* 301–305.]

Jan. 21. St. James's. **220.** Order of Queen in Council. Upon the Representation of the Council of Trade, Ordered that H.M. approbation of Andrew Hamilton be extended to May 1st, 1704, and no longer. *Signed*, John Povey. *Endorsed*, Recd. 23rd, Read Feb. 25, 170⅔. 1 *p.* [*C.O.* 5, 1262. *No.* 19 ; *and* 5, 1290. *pp.* 299, 300.]

Jan. 21. St. James's. **221.** Order of Queen in Council. Duplicate of the two Orders preceding. [Cf. *Penn's letter of Jan.* 25.] *Endorsed*, Recd. Read Jan. 28, 170⅔. 2¼ *pp.* [*C.O.* 5, 1262. *No.* 21 ; *and* 5, 1290. *pp.* 291–293.]

Jan. 21. St. James's. **222.** Order of Queen in Council. Ordering that William Attwood, Thomas Weaver, Abraham Depeyster, Samuel Staats and Robert Walters, having been this day heard with their Council learned at the Board, be removed from their places in the Council of New York, and that the five other persons recommended by the Lord Cornbury be admitted. H.M. approves of draught of Instructions for Lord Cornbury (*see* Dec. 31, 1702), and orders the same to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read April 5, 1703. 1 *p.* [*C.O.* 5, 1084. *No.* 19 ; *and* 5, 1119. *pp.* 451, 452.]

Jan. 21. **223.** Duplicate of preceding. *Endorsed*, Recd. Read Jan 25, 170⅔. [*C.O.* 5, 1084. *No.* 20 ; *and* 5, 1119. *pp.* 346, 347.]

Jan. 21. St. James's. **224.** Order of Queen in Council. Whereas H.M. did this day hear Council learned in the Law on behalf of Col. Nicholas Bayard and Alderman John Hutchins, inhabitants of the Province of New York, touching accusations and prosecutions for treason and misdemeanour objected against them, respectively, in the said Province, upon which they have been indicted and convicted, and had sentence of death and forfeiture and other pains and penalties past upon them, as in cases of High Treason and misdemeanours, for offences pretended to be committed against an Act of Assembly made in the 3rd year of the late King William of Blessed Memory ; and William Atwood, Esq., who sat as Chief Judge at the said tryall and gave Sentence therein, as likewise Tho. Weaver, who prosecuted the said persons as Solicitor General, having been also heard by themselves and learned Council at the Board : H.M. having considered the said matter, and being sensible of the undue and illegal prosecutions against the

1703.

said Bayard and Hutchins, was graciously pleased with the advice of the Privy Council to order, as it is hereby ordered, that Governor Lord Cornbury do direct H.M. Attorney General to consent to the reversing the sentence and sentences given against Col. Bayard and Alderman Hutchins, and all issues and proceedings thereupon, and to do whatsoever else may be requisite in the Law for reinstating the said Bayard and Hutchins in their honour and property, as if no such prosecution or trial had been. *Signed.* John Povey. *Endorsed*, Recd. Read Jan. 25, 170⅔. 1 *p.* [*C.O.* 5, 1084. *No.* 18; *and* 5, 1119. *pp.* 345, 346.]

[Jan. 21.] **225.** Major Wm. Vaughan, Agent for New Hampshire, to the Council of Trade and Plantations. The General Assembly, having represented to Col. Dudley that the dimensions sett by his late Majesty for masts at 24 inches would be a very great prejudice to them by taking away from them most of their timber, which is fit only for deals and planks, and desiring the dimensions may be altered to 32 inches, the Agent begs your Lordships' intercession with H.M. in that matter.

The said Province by reason of the present war lies very much exposed to their enemies, and forasmuch as H.E. Col. Dudley hath given your Lordships an account that Fort William and Mary, which is the only fortification in the Province, is insufficient, and the carriages and platforms unserviceable, and that the country by reason of their poverty are not able to repair them, and for want of stores are not in a condition to make any defence, the Agent desires that for the preservation and security of that and the neighbouring provinces your Lordships would make such Representation thereof that they may obtain from H.M. such speedy supplies of powder and other stores as may enable them to defend themselves against any insult that may be made upon them by their enemies, there being now a convenient opportunity of shipping for New Hampshire, with whom he designs to embark. He further represents that such of the inhabitants of Kittery in Maine as lie below Spruce Creek on the other side of Piscataqua River may be obliged to contribute their assistance of men towards the defence of Fort William and Mary and the country about it (as it had been formerly ordered in the first Government of the Massachusetts), in regard that the said inhabitants enjoy the benefit and advantage of the protection of the said Fort, as well as those of New Hampshire, being opposite to the Island on which the Fort stands, and are nearer thereto than those of New Hampshire.

He is informed that some persons have applied for a Charter under pretence of furnishing H.M. with Naval Stores. Such a Charter would tend to the utter ruin and undoing of the inhabitants of that and the neighbouring Provinces; he therefore hopes your Lordships will not suffer the country to be surprised in a matter of such great concern to them, nor permit any farther proceedings to be had towards such a charter, till he can inform the Province thereof, and they send their objections. He entreats the Board to intercede with the Queen as to the Governor's

1703.

present of 250*l*. Prays that the Board give directions relating to the Laws of the Province lately transmitted. *Signed*, Wm. Vaughan. *Endorsed*, Recd. Read Jan. 21, 170$\frac{2}{3}$. 2½ *pp.* [*C.O.* 5, 862. *No.* 147; *and* 5, 910. *pp.* 367–371.]

Jan. 21. Whitehall. **226.** Journal of Council of Trade and Plantations. Upon the motion of the Lord Bishop of London, the Board took into consideration the Act passed in the Assembly of New York, Oct. 26, 1700, intituled an Act for declaring the Town of East Chester a distinct parish from West Chester etc., and gave directions for preparing a Representation to be laid before her Majesty for the repealing thereof.

Representation upon H.M. Order in Council, Nov. 11, relating to her royal approbation of Col. Hamilton etc., signed.

Memorial from Mr. William Vaughan, Agent for New Hampshire, read, and ordered to be taken into consideration together with what Col. Dudley has writ upon any of those subjects.

Letter from Col. Beckford, Lt.-Gov. of Jamaica, Sept. 22, read, and six Acts of Jamaica therewith transmitted laid before the Board. Ordered that the former letters received from Col. Beckford, which have not yet been answered, be laid before the Board for their Lordships' directions in order to an answer.

Jan. 22. Their Lordships gave directions for preparing draughts of letters to the Lord Cornbury and Col. Dudley. [*C.O.* 391, 15. *pp.* 382–384; *and* 391, 97. *pp.* 57–61.]

Jan. 21. **227.** Journal of Assembly of Barbados. [*See Minutes of Council in Assembly under date Jan.* 19*th*.]

Resolved that the souldiers be billeted for a month longer, and that it be enacted that the vestries of the parishes have the view of the souldiers to be billeted, and that there may be a due proportion as to the manner of billeting, and the inhabitants be equally burthened. Resolved that this House address for regular troops to be sent hither from England.

Samuel Cox's petition referred to a committee.

Bills for continuing the billeting of the Queen's soldiers read.

Bill for raising a levy to discharge the public debts read a third time.

Put to the vote whether the brigantine *Lark* shall be sold or fitted out for the service of this Island. Carried in the negative [*sic*].

Ordered that William Grant take care of her, and perform and direct whatsoever shall be necessary therein.

Committee appointed to examine several money petitions. [*C.O.* 31, 7. *pp.* 32–35.]

Jan. 22. **228.** Minutes of Council in Assembly of Jamaica. Bill to prevent the resettling of Port Royal, sent up, was read and ordered to be laid upon the table for a full Council. Ordered that the Clerk write to the absent Members to be here to-morrow morning by 7 of the clock.

1703.
Jan. 23. The above Bill was read the first time, passed and committed. Ordered that, persuant to the Resolutions of the Governor, Council and Assembly for establishing of Kingston as the best place for the seat of trade and preservation of H.M. subjects sufferers by the late dreadful fire on Port Royal, one out of every twenty negroes or slaves in the parish of St. Andrews be immediately sent down to Kingston to build huts for them, and that the poor people be subsisted there with provisions by the Commissioners, and 'tis ordered that the Justices of St. Andrews take care the same be effectually done, and also that such cattle and carriages as shall be adjudged necessary be impressed for carrying materials for that purpose. [*C.O.* 140, 6. *pp.* 428–430.]

Jan. 22. Portsmouth. **229.** Minutes of Council of New Hampshire. Upon petition of the Owner or claimer of the sloop *Successe*, now under seizure, Robert Mitchell, Master, to have said apprized etc., ordered accordingly, and that the owners may have her, they first depositing the value of the apprizement in money into the Deputy Collector's hands. [*C.O.* 5, 789. *p.* 134.]

Jan. 23. St. Christophers. **230.** Governor Codrington to [? *the Earl of Nottingham*]. Your Lordship will be surprized, I believe, when I inform your Lordship 'twas the 20th at night before I heard of any ships or forces arrived in the Indies, two fregates and some transport ships are come down as low as this Island, and I have a letter from Commodore Walker that he is following, wch. gives me a great disturbance, for 'twill be very difficult and perhaps impossible to make the fowl heavy merchantships, who have soldiers and provisions on board, turn up to Windward again. Had the Commadore given me notice from Barbados, I wo'd have order'd him to fall no lower till I had harassed the Leeward side of Guardeloupe with my creoles in light sloops and brigantines, and then falling on their town and fort with H.M. forces, I should have gained and destroyed the whole Island before I can now get to it—and then have been able to attempt something else. My Lord I shall do myself the honour to write to your Lordship again more fully in four or five days from Antigua. There shall not be a moment lost in H.M. service, and as soon as I have closed this, and dispatched away the homeward-bound ships, I shall send away my orders to the several Islands. *Signed*, Chr. Codrington. *Endorsed*, R. March 15, 170$\frac{2}{3}$. 2 *pp.* [*C.O.* 239, 1. *No.* 4.]

Jan. 23. **231.** Duplicate of above. [*C.O.* 239, 1. *No.* 4.i.]

Jan. 23. St. Christophers. **232.** Governor Codrington to William Popple. I have received the favour of your letter, for which I give you my very hearty thanks. I shall be always glad of the friendship of so good a man. I have also received the honour of a letter from the Lords, and a much kinder than I had a right to expect. I fear I have sometimes exprest myself with too much warmth and too little respect, which I hope their Lordships will not only pardon, but forget. It was not reasonable their Lordships should share in the effects of my ill humour, but if 'twere possible their Lordships could be thoroughly sensible of the barbarous usage I have met with, they would rather pity than be angry with me. The least part on't is that two or three monsters who owed not only their bread but very good fortunes to my father's bounty, conspired to cheat me of 7 or 8,000*l*. at least, and then occasioned the complaints against me. I should have before now given the world a full and particular answer to every article against me, but I was still in hopes of a furlow, and intended to do it at my arrival in England. My reputation still requires it, and when I am at leisure after this summer's business is over, I shall probably trouble my friends with a more particular account than they have yet had, and then 'tis likely Mr. Freeman will be angry in his turn. Sir, the Lords mentioned some alterations in the Councils to me. I have added two in Antigua, of which I gave the Lords an account,—but I find that that letter with a great many others of mine are missing—and I have removed Mr. Clayton into the Council of St. Kitts, where he lives. Into whose place at Mountserrat, I have put Major Dawly very lately. I shall name some to your Lordships in my next tho' I had rather any one else were to do it, for a reason I won't give, because it would appear very ill-natured. I have not heard anything concerning our good friend Mr. Lock. I hope he is employing his time for the good of mankind and posterity; the subject he has sometimes talkt of to me, the Conduct of humane Reason, can only be treated by himself or Father Malebranche, as it ought to be. I beg you'l please to give him my most humble service. I have had two hundred letters to answer within these two days, and therefore do not write to the Lords, because I am in too great a hurry to write so calmly and particularly as I should. I embark to-morrow for Windward, and hope by the first ships to give you a good account of myself, tho' the falling down of the heavy transport ships so low as this Island will cause some delay and some difficulties, which needed not have been. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read March 15, 170$\frac{2}{3}$. *Holograph.* 3 *pp.* [*C.O.* 152, 5. *No.* 16; *and* 153, 8. *pp.* 140–143.]

Jan. 25. Whitehall. **233.** Journal of Council of Trade and Plantations. Draughts of letters to Governor Lord Cornbury, Governor Dudley, Governor Nicholson, the President and Council of Maryland, and Governor Codrington were agreed, and ordered to be transcribed.

Order of Council of Jan. 21, concerning Col. Bayard and Alderman Hutchins, read.

Order of Council, Jan. 21, approving Representation of Jan. 3, read.

Order of Council, Jan. 14, approving Representation of Jan. 13, read.

Order of Council, Jan. 21, approving Representation of Jan. 20, read. |

1703.

Order of Council, Jan. 18, upon Representation of same date, read.

Jan. 26. Col. Blakiston and Col. Seymour attending the Board in relation to the affairs of Maryland, Col. Blakiston acquainted their Lordships that being informed the Lord Baltimore was making some steps for procuring the Repeal of a Law of that Province for ascertaining the bounds of lands, he thought it proper to acquaint the Board that in his opinion the Repeal of that Law would be very prejudicial to the Province. Whereupon the Lord Baltimore's Memorial of Jan. 11, as likewise the Minutes of Nov. 19, 1700, relating to that Law, were read. Whereupon ordered that the Lord Baltimore have notice to attend the Board on Monday next and Col. Blakiston and Col. Seymour were desired to attend at the same time.

Mr. Wharton, the Solicitor, desiring to know their Lordships' resolutions upon the proposal for importing Naval Stores from New England, a copy was given him of the Article in the Minutes of Jan. 20, which relates to that matter, as likewise of the amendments prepared in pursuance thereof, to be made in the draught of a Charter for that undertaking.

Mr. Wharton further desiring a copy of the complaints that lye before this Board against Rhode Island, but not producing any authority enabling him to submit the determination of those matters to H.M., he was ordered to do it, and promised to lay a memorial before their Lordships upon that subject. He also desired their Lordships to report upon his articles against Mr. Partridge, and that Mr. Bridger may be summoned to attend, in order to the Board's determining thereupon. Their Lordships were pleased to appoint Monday next for the hearing of that matter, and delivered to him a summons for Mr. Bridger to attend at that time; also ordered that a copy of the said complaint be sent to Mr. Vaughan, that he may attend likewise in order to offer what he may have to say in behalf of Partridge.

Letter from Lt.-Gov. Bennet, Aug. 4, 1702, read. Secretary ordered to acknowledge the receipt thereof.

Letter from the President and Council of Barbadoes read, [*date of the letter not given. It was written Nov.* 10, 1702] and enclosures laid before the board. Ordered that the letter be prepared wherein to enclose a paragraph of the foresaid letter to the Earl of Nottingham that the same may be laid before H.M.

An Additional Instruction signed by H.M., Jan. 7, to the Governor of Virginia, and another of the same tenour to the President and Council of Maryland, were laid before the Board.

Draught of a Representation for repealing an Act of New York [*see* Journal, Jan. 28], agreed upon.

Letters to Gov. Codrington and the President and Council of Barbadoes signed, and ordered to be recommended to the Post Master General, that they may be sent forward by one of Mr. Dummer's packet-boats supposed to be now at Falmouth.

Order of Council, Jan. 7 [*q.v.*], upon the petition of Robert Lee, read.

1703.

Two letters to Governor Lord Cornbury, and two to Governor Dudley, one to Governor Nicholson and one to the President and Council of Maryland, signed.

Jan. 27. Representation upon an Act of New York (*see* Jan. 25), signed. Their Lordships being informed that Mr. Thrale is appointed Agent for Virginia, ordered that he be desired to sollicit the Board of Ordnance that the arms now ready to be sent to Virginia, be dispatched by the first ships.

Letter from Mr. Penn, Jan. 25, relating to the Order of Council for the approbation of Col. Hamilton, read. Mr. Penn was acquainted that the Board have not yet received the said order, and without it could not regularly enter into the consideration of that matter.

Extract of a letter from Newfoundland. Nov. 25, was communicated to the Board by Mr. Blathwayt, and ordered to be taken into consideration with the rest of the business of Newfoundland.

Letter to the Earl of Nottingham, signed.

Letter from Col. Quary, Dec. 7. with enclosures, read. Directions given for preparing several queries to be sent to Mr. Penn for his answer. [*C.O.* 391, 15. *pp.* 385–395; *and* 391, 97. *pp.* 65–79.]

Jan. 25. **234.** William Penn to the Council of Trade and Plantations. I am much surpriz'd to finde Directions or Instructions not only involved with the approbation [*see Jan.* 21], but made by farr the greatest part of the Order of Council, and the Approbation but five or six lines at the ends of 3 sides of a sheet of paper closely writt. I humbly beg of you the Approbation may be by itselfe; and that the rest of the Order may be an Instruction, not an Order, for the law of the Country cannot be augmented any more than diminished without a law, and sent to Col. Hamilton to be past into a Law; or I am sure it cannot answer the end, for the Law here is none there, being Locall, till made so by the Assembly of the Country. This I offer as my poor opinion, and beg it too as a favour, for the Queen's service will not be answeared by it, the most capable and wealthy of our Magistracy will be disobliged, who have but their labour for their pains. Let me once more begg your tenderness herein and to believe I am, *Signed*, Your respectfull friend, Wm. Penn. *Endorsed*, Recd. Read Jan. 27, 170⅔. *Holograph*. 2¼ *pp.* [*C.O.* 5, 1262. *No.* 22; *and* 5, 1290. *pp.* 289, 290.]

Jan. 25. **235.** Minutes of Council of New Hampshire. Ordered that Theodore Attkinson pay to the Secretary 30*l.* within 20 days out of the Act of Impost and Tunnage money he hath received by virtue of that Act, being in part of Salary due to him.

Wm. Partridge was paid 58*l.* 14*s.* for entertaining H.E. and several gentlemen in January for three weeks or upwards. [*C.O.* 5, 789. *p.* 135.]

Jan. 26. Whitehall. **236.** Council of Trade and Plantations to the President and Council of Barbados. Since our Secretary's letter of Nov. 13,

1703.

we have received yours of Nov. 10. We are laying before H.M. what you write concerning the expense the Island has been at in fitting out vessels for the security of Trade, and your desire of some ships from hence for that service. Sir Bevill Granville, appointed H.M. Governor of Barbados, is gon to Portsmouth in order to embark, so that we have only at present to recommend to your care the general safety of the Island, referring you to him for H.M. particular pleasure and directions. *P.S.*—Your care is desired in sending forwards the inclosed to Bermuda by the first convenient opportunity. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *p.* 284.]

Jan. 26. From the Castle of Bermuda. **237.** Mr. Larkin to the Council of Trade and Plantations. Since I was hurl'd betwixt these disconsolate walls, I am bold as oft as I can steal an oppertunity to give your Lops. the trouble of a letter to intimate my hard condition, and the barbarous usage I have met with since my coming into Mr. Bennett's government. Upon a Representation under the hands of the late Governor and Judge of the Admiralty, I caused a matter concerning one Tew to be enquired into, and it appearing upon oath that Thomas Hall, Richard Gilbert, John Dickeson and William Outerbridge, of these Islands, were part owners of the sloop in which Tew went a roving and received 4,000*l.* as their dividends, I desired the Governor and two of the Commissioners then present that they might stand committed until they gave security to answer it when and where H.M. should declare her pleasure. I have acted therein with all the caution and care I possibly could for the interest and service of the Crown, and deterring others from the like practices for the future, and I humbly hope I shall find your Lordships' countenance. I was threatened and challenged by several upon this occasion, and therefore craved the Governor's protection, and in less then a week he did it himself, tho' he knows I cannot give him the satisfaction of a gentleman by reason he is Governor, and I have great reason to believe he has put others upon it, and a Mustee, one of H.M. slaves, to swear against me in hopes to take away my life, and it was never known that a slave's oath was admitted here against a freeman before in civil or criminal matters; and because I granted a warrant for taking up the persons above mentioned, Mr. Anthony White, one of the Council, father-in-law to Dickeson, who stands bound by recognizances in the Vice-Admiralty Court here as an accomplice of Tew's, Charles Walker, his brother, with three or four more of the Council, whom White and Walker have an influence over, have prevailed with the Government to join with them in granting a warrant against me upon pretence of an indignity offered to the Duplicate of the Comon. for Jamaica on Oct. 2, being the night the Government imprisoned me, and on the 4th inst. the Marshall with a file of musqueteers seiz'd upon me and carried me prisoner to this forlorne place, where I am to remain in close restraint until H.M. pleasure be known; however, that the service upon which I am sent may not be frustrated or retarded, I have offered the Governor to give four substantial Gentlemen security for my surrendering myself to the Secretary of State upon my arrival in England to answer what they have to object against me, or go home a prisoner in any vessel he pleased, but that will not be granted, presuming that H.M. will give direction for my being tried here, wch. if H.M. should be inclined to, I cannot expect any manner of Justice. I have offer'd, my Lords, to give security not to stir off these Islands, but be a true prisoner in any house where the Governor shall think fit to place me under what centinells he pleases, that I'll not write to any person (which is a thing he very much dreads), neither shall any person write for me to England until H.M. pleasure shall be known, provided I can have but necessaries, but this is not sufficient. I was extream ill on the 19th, and procured a writ of Habeas Corpus according to an Act of Assembly here in hopes to be admitted to bayl, but he that officiated as Clerk to the Justices, and came into the Islands a fidler in a Pyrates' ship, advised and persuaded the Justices to the contrary. The reason they gave was, because I was committed till H.M. pleasure was known. Here's vice versa by way of prevention with a witness to it. The Doctor would have made oath before the Governor that I was not in a condition to be sent by water without endangering my life, yet he would not suffer me to stay in town, but remanded me back to the Castle, which is a place not fitting for any person to be confined in, there being but one room, and the waves of the sea beat over the plattform into it in stormy weather. The proceedings here against me differ in few circumstances from the Inquisition till they come to the Rack—The Marshall is my Accuser. He has made an attestation against me, and although I gave my attendance according to the Governor's Order, and can prove that he forswore himself in every point, yet I was not admitted to be present or so much as to be heard, and the Justices of Peace have by order of the Governor deny'd to take affidavits in my behalf. I have three of the countrey and three souldiers placed upon me as a guard, and are strictly commanded not to let me stir out of my room or off the plattform, to pry into all my actions, deportment, words, yea, even my very countenance, and whosoever can say anything against me is encouraged and rewarded for it. I am not permitted to write to your Lordships, Mr. Secretary Hodges, Mr. Blathwayt, or any friend I have in England, or in these Islands, but by stealth, neither is anyone permitted to write to me, or to come to visit me. I prevailed with a Gentleman who was privy to all my transactions since my coming hither to go to England on purpose to lay before your Lordships the state of my case, but it no sooner reached the Governor's ears, but he and his Council found a means to imprison and bind him over to the Assizes, which is not till Christmas. They endeavour to fling all the dirt they can upon me, in hopes that some of it may stick, and think thereby to extenuate their own crimes. . . . I know your Lordships will never pass sentence on me before you hear me. . . . I have now procured another which I hope in a little time will be ready

1703.

to sail. He'll bring copies of my papers together with a petition to H.M. and I humbly hope, as your Lordships were instrumental in sending me abroad, you'll be the same in procuring me a speedy release, [and] either to proceed upon the service or to return for England to answer it there; that the Governor may be ordered to grant me his Commission to examine my witnesses directed to such persons as I shall nominate, and what witnesses are willing to come home on my behalf (being not indebted), that they may not be retarded, and that the Secretary may give me authentick copies of what papers I have occasion for. And if I have an order I beg it may be sent by the first friggot bound to the West Indies. It's but little out of her way to call in here, or that two or three copies be made, one sent to the Governor of the Leeward Islands, one to the Secretary of Barbados, a third to Mr. Moor, Attorney General of Philadelphia, or Mr. Ling, Merchant in New York, directed to me; otherways I may lye here till I rot for ought I know, before I am set at liberty, it being the hard destiny of some, when they are once clapp'd up to be so forgotten as if there were no such men in the world. The sense of my condition is enough to make me melancholly, were I not assurred of H.M. great justice, high judgment and my own innocency. I have been here two and twenty days and never had but two hot meals meat. I would desire no greater favour but that the Governor and those that committed me might be ordered to attend the Queen and Council with me. It might be a means to prevent the like for the future. *Quotes from letter of Nov. 7th*, 1702. *Signed*, Geo. Larkin. *Endorsed*, Recd. Read August 3, 1703. *Addressed. Sealed. Holograph.* 3 *pp. Annexed*,

237. i. Abstract of preceding. 1 *p.* [*C.O.* 37, 4. *Nos.* 18, 18.i.; *and* (*without abstract*), 38, 5. *pp.* 419–427.]

Jan. 26. Whitehall. **238.** Council of Trade and Plantations to Governor Dudley. Enclosing memorial of Richard Wybird and Shadrach Walton [*see* Dec. 23, 1702], together with an extract of a letter from Mr. Partridge, Lt.-Gov. of N. Hampshire, which we desire you to enquire into, and to take care that Justice be done. As for the suspension of Mr. Jeffryes from being of H.M. Council, Mr. Partridge has not therein duly observed H.M. Instructions, which require that not only the charges against Councillors so suspended be transmitted to us, but likewise the proofs of those charges, and the parties' answers thereunto. We shall therefore expect more full information from you concerning the whole matter of these papers, with an account of your proceedings therein. *Signed*, Robert Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 910. *pp.* 372, 373.]

Jan. 26. Whitehall. **239.** Council of Trade and Plantations to Governor Dudley. Since Nov. 13, we have received yours of Nov. 10. We enclose the copy of our report to H.M. upon that part of your former letter which relates to Rhode Island, and when any directions are given in that matter, we shall acquaint you therewith. But as the reducing of that and other Propriety Colonies under H.M. immediate Government cannot be otherwise effected than by the Legislative power of this Kingdom, the time is too far spent to expect it from this present session of Parliament. We did also represent to H.M. some time since our humble opinion that you might have leave to receive the present of 250*l.* made you by the Assembly of New Hampshire, which was approved by H.M. We have transmitted what you write relating to the provisions and men for Jamaica, and are preparing a full report to H.M. of all the affairs of the Provinces under your Government, and more particularly of their state of defence. In the meantime you will continue to excite them to put themselves in a posture of defence proper to secure them against whatever attacks may be made upon them. We observe what you write concerning a salary, and shall take the properest occasion to lay that matter before H.M. *Signed*, Rob. Cecill. Ph. Meadows. Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 910. *pp.* 374, 375.]

Jan. 26.
Whitehall.

240. Wm. Popple to Isaac Addington. Acknowledging letter of Oct. 10, 1702. [*C.O.* 5, 910. *p.* 376.]

Jan. 26.
Whitehall.

241. Council of Trade and Plantations to Gov. Codrington. Since our Secretary's letter of Nov. 13th, we have received yours of Oct. 14th, relating to St. Christopher's, concerning which we expect a further account from you from Antigua. We enclose H.M. Order in Council, Dec. 17, repealing the Act of St. Christopher's *for settling and strengthening H.M. part of the Island.* And that you may the better understand the reasons of repealing thereof, we send you our Representation of Dec. 10. Though those reasons make it necessary to repeal the Act, yet we do conceive that some clauses in it, if more cautiously drawn, might be very fit to be re-enacted. For instance, upon the 5th head, though it be unreasonable to make void Patents for lands because of the non-improvement of such lands within three years from the date of those Patents, when there was neither any clause therein, nor any Law otherwise in force, to oblige Patentees to do it, yet it may be very fit that an Act be made to oblige them thereunto for the future; but not with any retrospect to the omissions before that time. And upon the 6th head, as we think it not fit that all patents granted to Papists since the beginning of the late wars should be made voyd, because of inconveniences that would thereby accrue to Protestants, so we judge it reasonable (in case any act of that kind be found necessary) that Papists should have some competent time allowed them for the selling of their estates before they be made liable to such forfeiture. These things we offer to your consideration.

And whereas you have desired us to move H.M. that she would give you leave to come to England, we do understand that some of your friends have undertaken to mention that matter to H.M., which is more proper for them; hoping nevertheless that in

1703.

this time of danger, you will not think of so suddain a departure from those Islands, which stand in need of your care and presence. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 134–136.]

Jan. 26. Whitehall. **242.** William Popple to Lt. Gov. Bennett. *Acknowledges letter of Aug.* 4. [*C.O.* 38, 5. *p.* 332.]

Jan. 26. Whitehall. **243.** William Popple to Wm. Vaughan. Enclosing Articles of Complaint against Lt.-Gov. Partridge [Jan. 19]. The Council of Trade and Plantations have appointed the person exhibiting to attend on Munday next; you may attend also with what you may have to offer on Mr. Partridge's behalf. [*C.O.* 5, 910. *pp.* 376, 377.]

Jan. 26. Whitehall. **244.** Council of Trade and Plantations to Governor Nicholson. Since our letters of Nov. 4 and 11, we have not received any from you. The merchants trading to Virginia and Maryland not agreeing, as you did foresee, about the time for the sailing of the convoys, nor about the restraining or permitting ships to return from thence without convoy, H.M. has been pleased to give her directions according to the Instructions you will herewith receive. The arms and stores formerly appointed for Virginia are now ready; tho' they are not in the same quantity as you desired, yet they are as many as H.M. could conveniently spare; they will be sent to you by the first convoy, and we do not doubt but you will make the best use of them for the defence of your Government. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *P.S.*—Your care is desired in sending forwards the inclosed letters to Maryland, New York, and the Massachusetts Bay, by the first convenient oppertunity. *P.S.*—March 25, 1703. We herewith send you two letters from the Earl of Nottingham relating to the French and Spaniards, upon occasion of the present war, not doubting of your care in observing the directions thereby given you within H.M. Province under your Government. [*C.O.* 5, 1360. *pp.* 363, 364.]

Jan. 26. Whitehall. **245.** Council of Trade and Plantations to the President and Council of Maryland. We have received by the hands of Col. Blakiston the several Journals and Laws mentioned by Sir T. Lawrence, July 10 last. H.M. has been pleased to give her directions relating to convoys to Virginia and Maryland according to Instructions enclosed. (*Cf. preceding.*) H.M. has been pleased to appoint Col. John Seymour to be Governor of Maryland, and his despatches are accordingly preparing, so that it will not be long before he be ready to proceed on his voyage thither, and bring with him such further directions as may be necessary in relation to the affairs of that Province. We enclose H.M. Order in Council, Jan. 18, for confirming the *Act for the Establishment of Religious Worship*. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *P.S.*—March 25. *As in preceding.* [*C.O.* 5, 726. *pp.* 173–175.]

1703.
Jan. 26.
Portsmouth.
246. Extract of a Letter from Brigadier Collenbine [*to H.R.H. the Lord High Admiral?*]. There's neither orders to embark my Regiment or to sayle, and it would be a great security to those ships bound to the West Indies to sayle with the Fleet designed for Portugall and to part in that Lattitude. I find not provisions made to enable me to perform what is expected of me in this Expedition. I have no Gunners, not one Engineer, no granades, or any utensils to break ground. I beg the time of my stay with Col. Codrington may be limitted, that I may not loose the opertunity to performe my part. ¾ *p.* [*C.O.* 318, 3. *No.* 10.]

Jan. 26.
Portsmouth.
247. Brigadier Colenbine to [? the Lord High Admiral]. [? Letter from which the above is extracted.] "To lett you see how willing I was to have any opertunity to serve H.M., I never did complain Col. Codrington was to command me in the West Indies, tho' I was Col. when he was a private Captain; Judge my inclination by that." *Signed*, V. Colenbine. *Endorsed*, R. Jan. 27, 170⅔. 2 *pp.* [*C.O.* 318, 3. *No.* 11.]

Jan. 26.
Portsmouth.
248. Governor Sir Bevill Granville to [? *the Earl of Nottingham*]. I left London according to your commands, but met here with contrary winds which still continue. I have the mortification not to find yet arrived the ship which has all my necessaryes on board both for the voyage and my subsistence when arrived at Barbados. She has bin long in the Downs, and has now a Frigat with her that has orders to be her convoy hither, as it must be the same wind to bring her which carries us away, and the difference will not be above two dayes, I hope the delay of so short a time will bring no prejudice to H.M. service, and we may have leave to wait for her. *Signed*, Bevill Granville. *Endorsed*, R. Jan. 28, 170⅔. *Holograph.* 3 *pp.* [*C.O.* 28, 38. *No.* 8.]

Jan. 26.
Whitehall.
249. Council of Trade and Plantations to Governor Lord Cornbury. We have received your Lordship's letters of June 16, Sept. 24, four of Sept. 29, and one of Oct. 1. We are preparing a Report to be laid before H.M. concerning the state of defence of that Province and upon whatever else you write that may require H.M. directions. In this report we shall offer to H.M. our opinion for a supply of arms and ammunition, and for some assistance towards the charge of the fortifications, the success whereof we shall acquaint you with. But in the meantime we judge it very requisite that you use all proper endeavours to excite the Assembly to make provision for the charge of the fortifications on the frontiers which seem most necessary for the security of that Province. By the copy of our Representation inclosed in our forementioned letter, you will perceive we have already offered to her Majesty our opinion that Mr. Atwood, Mr. Weaver, Mr. Depeyster, Mr. Staats and Mr. Walters, whom you had suspended from the Council and other employments,

1703.

be accordingly displaced, and that we have inserted in your Instructions the names of other persons recommended by you to fill up their places in Council. H.M. was thereupon pleased to appoint that Mr. Atwood and Mr. Weaver should be heard by their Council learned before H.M. in Councill, in their own defence. Upon which occasion, we furnished Mr. Thrale, your Lordship's Agent, with all papers that you had transmitted to us, relating to their proceedings in the matters objected against them, and a hearing having accordingly been had, you will perceive by the enclosed copies of H.M. Orders in Council, that they are displaced. The persons whose names we had inserted in your Instructions are made Counsellors. And the sentences against Col. Bayard and Alderman Hutchins are reversed.

In perusing the papers transmitted to us with your Lordship's letters we were surprized to find many of them subscribed by Mr. Honan as Secretary. We remind your Lordship that we wrote to you concerning the character of this man before your leaving England, and that your Lordship answered us Dec. 21. We leave this to your Lordship's consideration, not doubting but you will judge it necessary that the person who exercises a place so considerable as that of Secretary of the Province, should be of unblemished credit and reputation. We further offer to your Lordship that the only means to preserve the Province and promote H.M. service there will be that your Lordship will use your utmost endeavours to extinguish all animosities which have so unhappily divided the Province. *P.S.*—The inclosed letters for the Massachusetts Bay, Maryland and Virginia are recommended to your Lordship's care that they may be sent forwards by the first convenient oppertunity. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 349–352.]

Jan. 26. **250.** Council of Trade and Plantations to Governor Lord Cornbury. In answer to your Lordship's letter of Sept. 29 upon the Acts passed in April and May, we herewith send a copy of the Representation which we laid before H.M. relating to those Acts, as likewise a copy of H.M. Order in Council thereupon, both dated Dec. 31st, by which you will perceive that H.M. has, upon our Report, been pleased to disallow all the Acts against which you have objected, and that the Act for continuing the Commissioners of Accounts for one year longer, being the only one without exception, will of course remain in force till that time be expired. We also inclose a list of Acts of New York during the Government of the Earl of Bellomont and Capt. Nanfan, which have not yet been either confirmed or repealed. We desire your Lordship to consider them very carefully in H.M. Council at New York, and to report to us your own and the Council's opinion upon each of them respectively with relation to H.M. service and the interest of that Province. *P.S.*—Since the writing of this letter, upon consideration of the Act for declaring the Town of East Chester to be a distinct Parish etc., and of the reasons offered to us against it by the Rt. Rev. the Lord Bishop of London, we have prepared a report to be laid before H.M. with our humble opinion that the same be disallowed. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,

250. i. List of Acts of New York, 1691–1701, referred to in foregoing letter. [*C.O.* 5, 1119. *pp.* 352–358.]

Jan. 27. Whitehall. **251.** Council of Trade and Plantations to the Queen. We humbly lay before your Majesty an Act past in the General Assembly of New York, Oct. 26, 1700, entituled an *Act for declaring the Town of East Chester in the County of Westchester a distinct parish from the Town of West Chester*, upon which having consulted the Right Rev. the Lord Bishop of London, and his Lordship having declared to us his opinion that the same is prejudicial to the Church in that (without establishing any fixed maintenance for a Minister in the Town of East Chester) it does impeach a former Act, which did make a convenient settlement for the Ministers of that and several other Churches therein named; we humbly offer that your Majesty would be pleased to declare your disapprobation and disallowance of the said Act. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *p.* 362.]

Jan. 27. Whitehall. **252.** Council of Trade and Plantations to the Earl of Nottingham. Enclosing extract of letter from the President and Council of Barbados, Nov. 10, for H.M. direction therein. *Signed*, Weymouth, Wm. Blathwayt, John Pollexfen. *Endorsed*, Sent to the Admiralty, Jan. 29. 1 *p.* [*C.O.* 28, 38. *No.* 9; *and* 29, 8. *p.* 285.]

Jan. 27. **253.** Minutes of Council of Jamaica. Whereas the wife of Bulley, the rebellious negro chief of the Cockling Pond gang, hath been entertained by Col. Sadler upon her promise to deliver up Bulley to the hands of Justice, this Board desires Col. Sadler to give assurance to her that notwithstanding it appears that she has corresponded with the Rebels, yet if she effects what she promises, she shall have a free pardon.

Jan. 28. Previous warrant (Jan. 19) to the Commissioners having been lost, ordered that another be issued.

Ordered that the *Earl Galley* fireship be refitted.

11*l.* 8*s.* 9*d.* paid to William Lewis, one of the Church Wardens of Kingston, on account of money advanced by him for the relief of French prisoners at 15*d.* per diem.

H.M. Proclamation for a Day of Thanksgiving in England read. Proclamation that a Public Thanksgiving be held in this Island on H.M. birthday, ordered. Mr. Bennett, Rector of Port Royal, was ordered by the Governor to call such of the Clergy together as he thinks fit to prepare a form of prayer in both respects suitable to the occasion.

1703.
Jan. 29. In pursuance of the Order of Sept. 1st last, ordered that Sir James del Castilloes be paid 200*l.* (to make up the 500*l.* allowed him). [*C.O.* 140, 6. *pp.* 119–121.]

Jan. 27. **254.** Minutes of Council in Assembly of Jamaica. Major John Ellis and Francis Rose were returned for the parish of St. George. The former was sworn a Member of Assembly.

Petition of several inhabitants of Port Royal against the Act to prevent the resettling of Port Royal read and ordered to lie upon the Table.

The above Bill was sent up amended, and passed with amendments, and sent down.

Jan. 28. A Conference of the two Houses was held upon the above Bill. Francis Rose was sworn a Member.

The Bill to prevent the resettling of Port Royal passed the House with amendments and was sent up and read a first time. [*C.O.* 140, 6. *pp.* 430–434.]

Jan. 28. Whitehall. **255.** William Popple to William Bridges. The Council of Trade and Plantations desire an account from the office of H.M. Ordnance of what ordnance and ordnance stores have been sent to Barbados in pursuance of their letter of Oct. 13. [*C.O.* 29, 8. *p.* 286.]

Jan. 28. Whitehall. **256.** William Popple to William Penn. The Council of Trade and Plantations send you the enclosed copy of a paper which they have lately received from Pennsylvania, being the answer of the Members of Three Upper Counties to the Lt.-Gov. and Council, signed by David Lloyd, John Swift and others, and to desire you to explain the meaning of a expression therein, signifying the willingness of those Members to act as an Assembly *in a Charteral way*. They also desire copies of the several Grand Charters which they understand were lately granted by you in Pennsylvania, and they have further directed me to send you the enclosed paper of queries, drawn by their direction, unto which they desire your answer. Upon consideration of your letter of 25th inst. and of a draught of H.M. Order in Council therein referred to, they see no reason for any alteration to be made in that Order, the matters therein contained being such as relate equally to the due administration of Justice and to the good Government of the Province of Pennsylvania. *Annexed,*

256. i. Queries proposed to Mr. Penn by the Council of Trade and Plantations, Jan. 28, 170$\frac{2}{3}$. (*a*) Who is the present Naval Officer in Pennsylvania. By what authority does he act? What are his Instructions or Directions for the execution of his office.

(*b*) Whether there be any Court in Pennsylvania (other than the Court of Admiralty established by the authority of the Lord High Admiral) which takes upon them to hear and determine informations upon seizures for breaches of the Acts of Trade and Navigation and other Admiralty causes? And by what authority any such Court acts?

(c) What information have you received from Pennsylvania of ships coming thither directly from Curasao with European and East India goods, and of other ships designed for Curasao with tobacco from Pennsylvania?

(d) Whether any of those ships have been tried and condemned, and in what Court?

(e) What information have you received of ships going from Pennsylvania to Rhode Island with illegal trade? [*C.O.* 5. 1290. *pp.* 294–296.]

Jan. 28. Whitehall. **257.** William Popple to Sir Edward Northy, Attorney General. The Council of Trade and Plantations desire your opinion upon the papers that will be laid before you by Mr. Usher; (i) Whether the assignee of Robert Mason has a right to the waste lands in the Province of N. Hampshire. (ii) What lands in that Province are to be reputed waste lands. (iii) By what methods H.M. may put the said assignee into the possession of such waste lands as shall appear to belong to him in that Province. [*C.O.* 5. 910. *pp.* 377, 378.]

Jan. 28. Whitehall. **258.** Journal of Council of Trade and Plantations. Upon further consideration of Col. Quar's letter etc., Dec. 7, Ordered that a copy of the answer of the Members of the Three Upper Counties to the Lieutenant Governor and Council be sent to Mr. Penn, and that he be desired to explain an expression therein signifying their willingness to act as an Assembly *in a Charteral way*. Ordered that Mr. Penn be desired to let this Board have copies of the several Grand Charters which were lately granted by him in Pennsylvania. Queries, ordered yesterday, approved. And upon more particular consideration of Mr. Penn's letter, and the perusal of the draught of an Order of Council therein referred to, Ordered that the Secretary do signify to Mr. Penn that their Lordships see no reason for any alteration to be made in it, the matters therein contained relating equally to the due administration of Justice and to the good Government of the Province of Pennsylvania.

Mr. Usher pressing their Lordships for a report upon the petition of Samuel Allen, their Lordships ordered the papers, received from him the 18th inst., to be returned to him, that he may wait upon Mr. Attorney General therewith, and with a letter which their Lordships further ordered the Secretary to write to Mr. Attorney. [*See preceding abstract.*]

Jan. 29. Petition of several merchants trading to New England, against the Charter applied for by Sir M. Dudley *etc.*, read.

Memorial from Mr. Phipps also read.

Four Acts of Mountserrat, 1696 and 1697, read and no objection being found against any of them, notes were accordingly taken.

Six Acts of Mountserrat, 1702, and ordered to be sent to Mr. Attorney General for his opinion upon the first of them only in point of Law, and no objection appearing against any of the

1703.

rest, notes were taken thereof accordingly. [*C.O.* 391, 15. *pp.* 395–399; *and* 391, 97. *pp.* 81–86.]

Jan. 28. Tuesday. **259.** Minutes of Council [*in Assembly*] of Barbados. The President acquainted the Board that the Attorney and Solicitor General had signified to him that they could find no president of any Commission for the trial of spies, and that the nature of a Court Martial for trying the supposed spies required some further consideration. and therefore desired the trial might be put off. The Attorney and Solicitor General said that the trial must be done by warrant from the President directed to a certain number of Commission Officers, not less than 13. Ordered that the said French prisoners be tried on Munday next, and that letters issue to all the field officers to meet then. Lt.-Col. Wills acquainted the Board that several of the soldiers had deserted and carried away their cloaths and arms. and desired that care might be taken to apprehend them, and desired the Board that if any of their new listed men should prove to be servants, their masters might have them again. and that they should all be drawn out on the deck in order to be viewed by any person that had lost any servant. Ordered that all due care be taken for apprehending and bringing in all such men as have deserted H.M., in order to their being punished accordingly.

The President acquainted the Board that he had delivered to Judge Rees a Commission to be Chief Judge of the Court of Common Pleas for the precincts of St. James, with blanks for the Assistants, and ordered him to put in the same Assistants that were of that Court before; but, notwithstanding, he had put in others, without any orders or acquainting him therewith. Ordered that a new Commission issue appointing the old Assistants.

Ordered that the Regiment under Col. Abel Alleyne begin on Munday to do duty in the Bridge Town by sending a Company to guard the prisoners and forts every week, until the whole Regiment have roll'd through, [? *as*] the other Regiments have done before. [*C.O.* 31, 6. *pp.* 373–375.]

Jan. 28. Annapolis. **260.** Minutes of Council of Maryland. Ordered that H.M. Justices of Annapolis take care to see the Act for keeping good rules and orders in the said Town put in due execution, and that they keep their Courts regularly according to Act of Assembly. [*C.O.* 5, 745. *p.* 13.]

Jan. 28. **261.** Minutes of Council of New Hampshire. Ordered that the Secretary make a copy of the several answers to the several complaints exhibited against this Government to the Council of Trade and Plantations, one of which is concerning the raising of 550*l.*, and that the Copy be signed and sent to England to our Agents or the Council of Trade and Plantations, as shall seem most meet, with all expedition. [*C.O.* 5, 789. *p.* 137.]

1703.
Jan. 29.
Portsmouth.

262. Brigadier Colenbine to the Earl of Nottingham. My zeal for H.M. service is so great that nothing on my part shall obstruct it, let me command or be commanded by home shee pleases *etc.* *Signed*, V. Colenbine. *Endorsed*, R. Jan. 30, 170$\frac{2}{3}$. *Holograph.* 2 *pp.* [*C.O.* 318, 3. *No.* 12.]

Jan. 29.
Whitehall.

263. William Popple to Sir Edward Northey (Attorney General). The Council of Trade and Plantations send you the Acts of Mountserrat, passed in an Assembly of June 13th last, and desire your opinion in point of law only upon the first of them, entitled An Act for quieting men's estates *etc.* [*C.O.* 153, 8. *pp.* 136, 137.]

Jan. 29.

264. Mr. Phipps to the Council of Trade and Plantations. The Colony of New England being extensively exposed to the insults of the French and Indians, I humbly desire that for the security of that Colony your Lordships would lay before H.M. the necessity of dispatching the 200 men for the garrison of Pemaquid which you were pleased to represent as needful, and also the cannon and stores, which about two years ago you thought proper to be sent thither. There having been several prizes taken from the French it will be necessary that a Commission for Judge of the Admiralty in the room of Mr. Atwood be granted either to Mr. Nathaniel Byfeild, whom the Governor represents as a fit person, or to such other person as your Lordships shall recommend, and the Lord High Admiral esteem better qualified for that office. I have seen a draught of a Charter of Incorporation prepared to be granted to Sir Matthew Dudley and others for supplying the Crown with Naval Stores, and presume to remind your Lordships that they endeavoured to obtain such Charter in the late King's time, and it was opposed on behalf of the Massachusetts as a thing that would destroy their trade, and impoverish their inhabitants, and after a full hearing before H.M. in Council a stop was put to it. I conceive the grant of waste lands and mines therein mentioned would be void, and that no waste lands or mines within the boundaries of the Massachusetts Government can be granted to such new Corporation or to anyone else, they being all granted already in express words to that Government by their Charter. Therefore I hope it will not be thought unreasonable to make their stay till I can write to New England and receive Instructions concerning a matter of the last consequence to them. *Signed*, Con[*stantine*] Phipps. *Endorsed*, Recd. Read Jan. 29, 1702(3). 1½ *pp.* [*C.O.* 5, 862. *No.* 148; *and* 5, 910. *pp.* 378–380.]

Jan. 29.
Portsmouth.

265. Secretary of New Hampshire to Governor Dudley. We have advice from our Agents in England that a complaint has been exhibited against us before the Council of Trade and Plantations concerning an Act made by the Lieut.-Governor, Council and Assembly for raising 550*l.*, and their Lordships having commanded our said Agent's attendance were pleased to inquire what that money was raised for, what those agrievances mentioned therein were, and why the Act was not sent home to their Board according to H.M. Instructions. Our Agents made answer that they had no Instructions about that matter, nor knew anything but that the Act had been sent home, but would write over about it. Our answers are, that the 550*l.* was raised for the defraying the public charge of the Province more particularly mentioned in the preface of the Act, that is to say, 1st, 300*l.* for employing a person to lay before H.M. the great grievances of the Province, and thereupon an Agent was chosen and sent over from hence to England accordingly; 2ndly, to make good to Sir Henry Ashurst 100*l.*, which was for his service and disbursements in his late Agency for this Province; 3rdly, the remainder of the 550*l.* to be employed for the payment of the Province engagements already made, that is, to pay those debts that were contracted on account of the Province while there was no money in the Treasury, and promised to be paid out of the next rates and assessments made by the General Assembly. As to the great grievances of the Province, they are particularly mentioned in a Memorial, which together with an Address from the Lt.-Gov., Council and Representatives were sent over to England by our Agent, Major Wm. Vaughan, to be presented to his late Majesty. [*See Cal.* 1702.] As 1st, our erecting and maintaining a fortification on Great Island, at the mouth of Piscataqua River at the sole charge of this Province, whereas this Port and River are equally beneficial and belonging to H.M. Province of the Massachusetts, and the charge of fortifying and defending the same ought to be borne by both Provinces in equal proportion to their estates and abilities, tho' the situation for the principal part of the fortification seems to be most natural on our side of the river; 2ndly, the discouragements and disquiets our inhabitants have met with from the claims and pretences that have formerly been made by Mr. Mason and of late by Mr. Allen, to the Propriety of the Province, whereas besides the expense of much blood, the loss and charge sustained in the defence of the Province during the two late wars has far exceeded the intrinsique value of the lands; 3rdly, the supplying 40 men to New York in case of a war, or an equivalent in money would be an extraordinary burthen to this Province, the very yearly subsistence and pay of 40 men amounting to a greater sum then this poor Province could ever yearly advance both for the support of the Government and their owne defence in the hottest time of the late war, and these are the grievances, which we humbly hope her most sacred Majesty will in due time give us some relief in. As to the Lieut.-Governor's not sending home that Act, he saith it being a temporary Act, and expired before their Lordships could receive it, it was thought by the Council, with whom he advised about it, unnecessary to send it home, and the King's Instructions directing in the matter being in the Earl of Bellomont's hand were never communicated to the Lieut.-Governor by him, but carried to New York with him, from whom the Lieut.-Governor could never obtain a copy, tho' often desired and promised by the Earl of Bellomont to be sent, so that the Lieut.-Governor was in the dark, having no Instructions to direct him in that matter until the arrival of Col. Dudley.

And now, Sir, because we think it proper that all things from this Government should pass through your Excellency's hands, we have sent the foregoing complaint from our Agents with our answers, and pray your Excellency by the first opportunity to send the same to them or to the Council of Trade and Plantations. *Signed*, Cha. Story, Secy. *p.* order. *Endorsed*, Recd. Read April 5, 1703. 2½ *pp.* [*C.O.* 5, 863. *No.* 9.]

Jan. 29. **266.** Duplicate of preceding. [*C.O.* 5, 863. *No.* 9.i.]

Jan. 29. **267.** Petition of merchants trading to New England and other Provinces adjacent to the Council of Trade and Plantations. The Charter applied for by Sir M. Dudley and others will be destructive of the trade of the Provinces concerned and tend to the undoing of many of the inhabitants, and be a very great prejudice to all merchants and traders to those parts. *Pray* the Board to delay report until Petitioners and the several Governments have been heard. *Signed*, Joseph Paice, Richard Mico, Saml. Du Bois, Henry King, Thomas Blettsoe, Danl. Puckle, Tho. Sandford, Saml. Sparry, Wm. Crouch, Richd. Bisley, Robt. Hackshaw, James Roissie, James Berry, Tho. Holmes, John Love, Fra. Camfield, Edwd. Whitehall, He. Mason, Nicholas Oursel, Dav. Waterhous, George Ball, Giles Fifield, Peter Coffin, Nicholas Hopping, John Metcalfe, John Ive. *Endorsed*, Recd. Read Jan. 29, 1702(3). 1 *p.* [*C.O.* 5, 862. *No.* 149; *and* 5, 910. *pp.* 381, 382.]

[Jan. 29.] **268.** Minutes of Council in Assembly of Jamaica. Bill to prevent the resettling of Port Royal was read a second and third time, passed and received H.E.'s consent. The House desired the Governor that the Bill be published at St. Jago de la Vega, Port Royal and Kingston.

Jan. 30. Joint-Committee of the two Houses appointed to consider how to provide for the sufferers at Port Royal. [*C.O.* 140, 6. *pp.* 434–436.]

Jan. 29. **269.** Minutes of Council of the Massachusetts Bay. H.E. Governor Dudley being returned yesterday from the Province of New Hampshire acquainted the Council with the discourse he had with four Indians that waited upon him there with a message from the Eastern Sachems manifesting their resolution to continue the peace, and desiring a supply of provisions and cloathing for Trade, and that he had dispatcht some provisions etc. from thence and from Newbury. Mr. Treasurer was directed speedily to forward a further supply.

Information being given to the Board of several Frenchmen, being strangers, that walk at large in the town of Boston, now in this time of war being come, it is said, from Rhode Island. Ordered that all Frenchmen within the said Town being strangers

1703.

do render themselves and give in their names and places of residence unto the Sheriff of the County of Suffolk within 24 hours after publication of this order, at their utmost peril, that they may give an account of themselves etc. and order be taken for the disposal of them. All H.M. subjects are strictly forbidden the concealing of any such or harbouring of them.

H. E. said that it was necessary for H.M. service he should speak with a General Assembly before the Spring come on; and there being more than six months passed since the death of King William, he could not meet the Assembly now in being that were called for his said late Majesty's writs, and therefore he thought fit to issue a Proclamation for dissolving of the Assembly now in being, and to give direction for the calling of a General Assembly by her present Majesty's writs to sit upon March 10 next.

640*l.* 11*s.* 9*d.* paid to Capt. Southack and the crew of the *Province* galley for service from March 27—Dec. 15, 1702. 414*l.* 2*s.* 4*d.* paid for fitting her out last summer.

58*l.* paid to Col. Charles Hobby on account of H.E.'s journey to Piscataqua.

169*l.* 3*s.* paid to Capt. George Turfrey and his Company, garrison of H.M. Fort Mary at Saco, April 22—Oct. 22, 1702.

James Robe, Mariner, of Boston, being seized upon with his sloop at Cape Ann, by virtue of a warrant from H.E. on suspition of his being about to carry supplies to H.M. enemies the French, was carried before the Board and several papers read. Ordered that he be bound with sureties in 100*l.* personally to appear at the next Court of General Sessions of the Peace held at Boston for the County of Suffolk.

6*l.* 10*s.* paid to Stephen Belding and Samuel Allen for conveying two Frenchmen prisoners from Deerfield to Boston.

304*l.* 14*s.* 2*d.* due to the garrison of H.M. Castle paid.

46*l.* 16*s.* paid to Major Benjamin Davis, apothecary, for a medicine chest for the *Province* galley.

A Proclamation for a General Fast to be kept Feb. 18 upon consideration of the severe and mortal sicknesses and the deaths thereby, and the continuance of the war in Europe, was signed by H.E.

Accounts of Capt. Wormal, H.M. Fort at Casco Bay, committed. Advised, that H.E. order Capt. Cyprian Southack to take up a suitable vessel to be forthwith equipped, armed and manned, not exceeding 46 men in number, for guarding of the coast, and that the Treasurer supply provisions for 6 weeks' victualling. [*C.O.* 5, 789. *pp.* 477–480.]

Jan. 30. **270.** Account of men on board H.M. ships and those who have died or deserted since the voyage to the West Indies. *Signed,* Wil. Whetstone. 1 *p.*

	Men entered.	*Dead.*	*Deserted.*
Canterbury	264	72	12
Bredah	289	174	62
Defyance	221	123	21

1703.

		Men entered.	*Dead.*	*Deserted.*
Windsor		183	85	23
Norwich		192		
Greenwich		189		
Pendennis		146	71	24
York		222	34	
Kingston		210	93	10
Colchester		170	24	16
Gloucester		191	76	23
Dunkirk		201		
Bristoll		166	65	13
Ruby		166	50	13
Falmouth		160	61	15
Experiment				
Seahorse		48	32	8
Strombolo	fireships	45	17	8
Earl galley		22	4	26
Herman		30	2	8
Carcass	bombs	19	12	10
Serpent		16	5	2
St. Antonio, sloop		15	3	2

[*C.O.* 318, 3. *No.* 9.]

Jan. 30. **271.** Christian Lilly to [? the Earl of Nottingham]. *Signed,* Christian Lilly. *Duplicate of letter to Council of Trade and Plantations Jan. 3. supra. Endorsed,* Recd. March 13, 170$\frac{3}{4}$. *Holograph.* 3 *pp.* [*C.O.* 137, 45. *No.* 40.]

Jan. 31. Jamaica. **272.** Peter Beckford to William Popple. *Acknowledges letter* of Nov. 13th, delivered to me 28th ult. by our present Governor, Col. Handasyd, at the same time I received one from their Lordships with the good news of the great success of H.M. arms in Europe, for which a public day of Thanksgiving is ordered thro'out this Island. H.M. Proclamation and their Lordships' Orders thereon were directed to me, so I suppose their Lordships might not have been informed of a Privy Seal which passed in June last constituting Col. Handisyd Lt.-Gov. of this island, in obedience to which I delivered him up the Government Dec. 4 last. *Signed,* Pe. Beckford. *Endorsed,* Recd. 13th, Read 15 March, 170$\frac{3}{4}$. $\frac{3}{4}$ *p.* [*C.O.* 137, 5. *No.* 92; *and* 138, 10. *pp.* 419, 420.]

[? Jan.] **273.** Memorial from the Earl of Peterborough. It is the request of the Earl of Peterborow to be put into a way to have those men mustered which his Lordship has entertained in H.M. service for the West Indies. *No signature or date.* $\frac{1}{2}$ *p.* [*C.O.* 137, 45. *No.* 36.]

[? Jan.] **274.** Draught of Instructions for our Right Trusty and Right Well-beloved Cousin Henry, Earl of Peterborough and Monmouth. Whereas we have appointed you Commander in Chief of the Forces we have sent to Jamaica, or that shall be sent thither, and whereas it will happen that by the death or other

1703.

vacancy of several officers and soliders there will be a remainder of the pay directed by the establishment of our said forces which ought not to be disposed of otherwise than by our especial order; we do therefore hereby authorize and empower you to apply such pay or subsistence in provisions or otherwise accruing by the death or other vacancy of such officers or soldiers towards the raising and maintaining a troop or troops of dragoons for our service in the West Indies under your command, the whole number whereof shall not exceed 300, provided always there be no additional charge arising to us over and above the establishment of our said forces, and that they be mustered from time to time according to our Regulations in that behalf; whereof you are to give us a constant account for our Royal approbation of your proceedings therein. *No signature or date.* 1½ *pp.* [*C.O.* 137, 45. *No.* 35.]

Feb. 1. Jamaica. **275.** Pe. Beckford to the Council of Trade and Plantations. These are to acknowledge the receipt of your Lordships' of the 11th November, delivered me yesterday, opened by our present Governour, Collonel Handisyd, to whom I delivered up the Government of this place the 4th December last, in obedience to H.M. Commission, dated, I think, in June, tho' it did not arrive here till the 3d of the last month [? *Dec.*]. The Governour has pursuant to her Majesties' Proclamation and your Lordships' commands, appointed a day for a publick thanksgiving for the great success of H.M. Arms in Europe. I wish I could give your Lordships any satisfactory account of the progress of them in these parts, but nothing has been done by our fleet since the death of poor Admiral Benbow, which we are all here but to sensible of. Reer Admirall Whetstone has been with the fleet upon the coast of Hispaniola, but nothing done or attempted at, that I can hear of. Ducass is with his squadron at the Havana; he took in at Carthagena and Puerto Bello about six millions *ps.* 8. Pray God he may be intercepted. I have made my Lord Nottingham acquainted with what I know and given him my humble thoughts thereon. The Governour will I suppose inform your Lordships of all transactions since December last, so that I have nothing further to trouble your Lordships with, than to assure your Lordships how very ready I shall be on all occasions to express my duty to her Majesty and obedience to your Lordships' further comands. *Signed,* Petr. Beckford. *Endorsed,* Recd. 13, Read 15 March, 170$\frac{2}{3}$. 1 *p.* [*C.O.* 137, 5. *No.* 94; *and* 138, 10. *pp.* 421, 422.]

[Feb. 1.] **276.** Deposition of John Bridger, Feb. 2, 1702, as to illegal trading by Lt.-Gov. Partridge, 1698 *ff.*, and in ship's timber whose scantlings were fit for any of H.M. ships of the third rate to Portugal *etc.* up to the present time. One of Partridge's ships said to be now actually on a voyage to Lisbon with timber. *Signed,* J. Bridger. *Endorsed,* Recd. Read Feb. 1, 1703. 1 *p.* [*C.O.* 5, 862. *No.* 150; *and* 5, 910. *pp.* 383–385.]

1703.
[Feb. 1.] **277.** Similar Evidence of Robert Armstrong, late Naval Officer of New Hampshire, based on what Lord Bellomont told him. Feb. 3, 1702. *Signed*, Robt. Armstrong. 3 *pp.* [*C.O.* 5, 862. *No.* 151; *and* 5, 910. *pp.* 386–391.]

Feb. 1. Whitehall. **278.** Catherine Countess of Bellomont to the Queen. Sheweth, that your petitioner, after the death of her husband the Earle of Bellomont was oblig'd before she could return home into England to give 10,000*l.* security to your Majesty for her appearance at New Yorke in April next, upon account of money pretended to be due to the 4 Companies there, tho' your petitioner is ready to make it appear, whenever your Majesty shall please to order her accounts to be taken, that there is nothing due to the said Companies, of all the money which the late Earle of Bellomont received. After the death of the said Earle of Bellomont, your petitioner received warrants signed by the Lieutenant Governour for the arrear of his salary, as Governour, and for other disbursements made by him where allowed by the Councill, amounting to the summe of 1,289*l.* 14*s.* All which is still unpaid, as also an arrear of pay to the said Earle, as Captain of one of the Companies there. May it therefore please your Majesty fforasmuch as the persons who are security for your petitioner's appearance at New Yorke, are lyable to be put to trouble upon account of the said bond, to grant an order under your Majesty's sign manual to discharge the said bond, your petitioner being ready to account here; as also that the warrants due to your petitioner, may be forthwith paid, and the arrear of the late Earle's pay, as Captain, cleared here, the said warrants and arrear of pay being all that has been saved during the faithfull service of the Earle of Bellomont in the Government of New York and New England for almost four years. *Signed*, Kat. Bellomont. *On back*, Whitehall, Feb. 1, 170⅔. H.M. has been pleased to refer *the above* to the Council of Trade and Plantations. *Signed*, *C. Hedges*. *Endorsed*, Recd. Read Feb. 2. 1¼ *pp.* [*C.O.* 5, 1048. *Nos.* 22, 22.i.; *and* 5, 1119. *pp.* 366, 367.]

Feb. 1. Whitehall. **279.** Journal of Council of Trade and Plantations. This day being appointed for hearing Lord Baltimore, and Col. Blakiston and Col. Seymour, the Board thought fit, before they called them in, to consider first how the Act of Maryland for *ascertaining the Bounds of land*, which he complains of, does at present stand, and in order thereunto the said Act was laid before the Board, and the Act *ascertaining the Laws of that Province*, together with the Representation of this Board Nov. 29, 1699, and the Order of Council thereupon, and the letter from the Board to Col. Blakiston, Jan. 4, 1699–1700, and Minutes of Nov. 19, 1700, were all read. Their Lordships agreed that notwithstanding what is exprest in any of the said papers, relating to the said Laws, the Act now in question concerning the bounds of land and all the rest of the Acts in the same volume, supposing them to be the same as had been past formerly, except

1703.

that for ascertaining the Laws of the said Province, do continue at present in force. Both parties being called in, and his Lordship in the first place objecting against the usual Instruction to the Governor of Maryland relating to escheats, which he said are his property, he was told by the Board that the said Instruction has been inserted only in order to produce due information of the state of that, as of H.M. other Plantations, and not intended to prejudice his right. As to the Act *for ascertaining the bounds of land*, several objections were made against it by his Lordship's Agent, and answers returned by Mr. Floyd, a Gentleman of that Province, who accompanied Col. Blakiston, and upon the whole matter the Law appearing to be of that importance to the Province as not fit to be totally repealed, both parties were directed to consult together and prepare some explanatory clause or clauses that might be to mutual satisfaction, and lay them before this Board for further consideration, which they promised to do.

As to the Act for *securing of Administrators and executors from doubling of debts and limiting the time for payment of obligations within that Province*, mentioned also in the Memorial of Jan. 11, his Lordship was desired to lay before the Board his particular objections in writing against that Act, which he also accordingly promised to do.

Mr. Usher and Mr. Wharton on one side, and Mr. Vaughan with Mr. Partridge, the son, on the other, attending by appointment, the Articles exhibited by Wharton and depositions of Usher, Wybird, Armstrong, and a letter from George Jeffery, Aug. 20, 1702, were read. Usher and Wharton further desiring that Mr. Bridger, who had been summoned in relation to this matter, and was now present, might also declare his knowledge therein, their Lordships directed him to lay his information likewise before the Board in writing, which he promised to do to-morrow morning. Vaughan and Partridge thereupon desiring that they may have copies of all the papers now produced, or to be produced by way of evidence, Ordered that the same be given them, and that they bring in their answer in writing on Friday next.

Feb. 2. Letter from Mr. Thrale read. Ordered that the Secretary acquaint him *as Feb.* 2. Ordered that Mr. Champante be communicated with. Sir John Stanley laid before the Board the petition of the Countess of Bellomont relating to the security of 10,000*l.* which she was obliged to give in at New York for her appearance there in April next *etc.*, which, with H.M. Order thereupon, was read. Whereupon Sir John Stanley was desired to lay before the Board a copy of the Bond therein mentioned; and upon his desire that some care may be speedily taken to stop any presentation upon the said Bond at New York, for the Lady Bellomont's not appearing there in April next, until H.M. pleasure be declared, Ordered that the Secretary do prepare a letter from the Board to Mr. Secretary Hedges for that purpose.

Feb. 3. Copy of Lady Bellomont's Bond read. Letter ordered yesterday approved.

Ordered that the Secretary write to Sir John Stanley *as Feb.* 3. Ordered that he, Mr. Thrale, Capt. Matthews and Mr. Champante have notice to attend on Friday.

Major John Powel laid before the Board a letter from Mr. Lowndes together with his petition *etc.* [*See Feb.* 2], and exhibited an affidavit made by himself before a Master in Chancery to the truth of his account, together with some certificates relating thereunto, signed by Capt. Leake. Some progress was made in preparing an answer to the Lord High Treasurer. Affidavits made by Mr. Bridger and Mr. Armstrong were laid before the Board. [*C.O.* 391, 15. *pp.* 400–410; *and* 391, 97. *pp.* 89–103.]

Feb. 2.
St. Jago.

280. Lt. Gov. Handasyd to the Earl of Nottingham. I think it my duty to give your Lordship an account of the dismal misfortune that has befallen this Island, by a dreadfull fire which happened on Jan. 9 last at Port Royall, which has left no howse or anything standing but H.M. two Forts, which itt pleased God to preserve; the Assembly is now here sitting, and has made an Act for the settling the Inhabitants formerly att Port Royal on the main, which Act shall be sent, with a plan of the place designed to be settled, by the next of H.M. ships, wch. I suppose will sail very shortly from hence. I have understood that there is Recruits for the two Regiments here att Nevis, and as soon as arrived here shall give your Lordshipp an acct. of them. I am of that opinion your Lordshipp will be troubled with a great many debates about the removing the inhabitants of Port Royall to Kingston, the place designed for the new settlement. But to give your Lordship my oppinion of the matter, being no other way intrested then by the Commission H.M. has been pleased to give me as Lieut. Governor, 'tis absolutely the best place and safe from the enemy, and fittest sittuated in the Island, Port Royall being a place liable to all misfortunes as well as fire. This Island will be in great necessity for all manner of provisions and merchant goods, if not speedily furnished by the merchants, all the principle stores in the Island being burnt to a great vallue, but shall give your Lordshipp a more exact acct. *per* next. *Signed*, Tho. Handasyd. *Endorsed*, R. March 12, $170\frac{2}{3}$. *Addressed. Sealed. Holograph.* 1 *p.* [*C.O.* 137, 45. *No.* 41.]

Feb. 2.
Treasury
Chambers.

281. Wm. Lowndes to Mr. Popple. *Enclosing* following petition to be laid before the Council of Trade and Plantations, to the end that the Lord Treasurer may receive a state of this matter signed by the Lords Commissioners. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read Feb. 3, $170\frac{2}{3}$. 1 *p. Enclosed.*

281. i. Petition of Major John Powell to the Lord High Treasurer. Petitioner being sent with a Company to Newfoundland, and provisions not coming from England as expected, did there at his own proper cost and charge victual the said company June 6, 1701–Aug. 28, 1702, and was at several other charges for H.M. service, the particulars of which are hereunto annexed, and

certificates on oath signed by Commodore Leake for the same now lyes before the Hon. Comnrs. of Trade. 1 *p.* *Annexed.*

281. ii. Account of 57 days' pay due to Capt. Powell referred to in preceding. *Total.* 211*l.* 8*s.* 10$\frac{1}{4}$*d.* 1 *p.* [*C.O.* 194, 2. *Nos.* 92, 92.i. ii. ; *and* 195, 3. *pp.* 145–147.]

Feb. 2. Barbados. **282.** A. Skeene to the Council of Trade and Plantations. I must crave leave to informe your Lordships that you will receive *per* Capt. Knapp, H.M.S. *Expedition*, the Quarterly Minutes as also the several Acts passed in that time. All the ruled paper your Lordships were pleased to send over is write out. *Signed*, A. Skeene, Secretary. *Endorsed*, Recd. 1st, Read 19th April. 2 *pp.* *Enclosed*,

282. i. Memorandum of Minutes of Council of Barbados, Aug. 25–Nov. 10, 1702. $\frac{1}{4}$ *p.*

282. ii. Memorandum of Acts of Barbados Sept.–Nov. 1702. $\frac{1}{4}$ *p.*

282. iii. Memorandum of an Act of Barbados, Nov. 18, 1701, confirming titles of lands and tenements. $\frac{1}{4}$ *p.* [*C.O.* 28, 6. *Nos.* 94, 94.i.–iii. ; *and* 29, 8. *pp.* 300–302.]

Feb. 2. Barbados. **283.** James Cowse to Sir Edward Northey. It is not out of disrespect that I have not wrote to you since my arrival, but that I was loth to trouble you before I had occasion. I have met with several unexpected delayes here in my suite against my Brother Sharpe, with the particulars whereof my friend Mr. Carter will make you acquainted. I have been here almost nine months, and can neither gett an answer to my Bill nor an attachment to compell Mr. Sharpe to make one. I would beg your advice whether it may not be proper to make H.M. acquainted with the ill usage I have met with. after having been once already sent to England upon an Appeale, or what other method I had best to take. If you advise the former, I must also entreat your friendship in the dispatch of it. *Signed*, James Cowse. *Endorsed*, Communicated by Mr. Blathwayt. Recd. April 6, 1703. *Holograph.* 1 *p.* [*C.O.* 28, 6. *No.* 93.]

Feb. 2. **284.** Lt.-Gov. Handasyd to the Earl of Nottingham. *Enclosing* Minutes of Assembly now sitting. We have had several great shakes here lately, particularly on Jan. 30. wch. lasted two minutes and was the greatest earthquake knowne in these parts excepting that of '92, wch. destroyed Port Royall. *Signed*, Tho. Handasyd. *Endorsed*, R. March 13, 170$\frac{2}{3}$. *Addressed.* *Sealed.* $\frac{1}{2}$ *p.* *Enclosed*,

284. i. Copy of Journal of Assembly of Jamaica, Jan. 14–27, 1703. *See under dates.* *Endorsed as preceding.* 10 *pp.* [*C.O.* 137, 45. *Nos.* 42, 42.i.]

Feb. 2. **285.** John Thrale to the Council of Trade and Plantations. The affair of Atwood *etc.* being over, I humbly represent that the Lord Cornbury having by his letters to your Lordships laine before you the want of several stores with recruits to be sent over for that Government, and whereas the Virginia convoy will be going in a very little time, I humbly move that what things shall be thought requisite be ordered with all convenient speed, that Province being in a weak condition to make defence against the French and Indians. I also beg that something be done to clear the accts. of the four Companies, March 1699–24th Oct. 1702. *Signed*, Jno. Thrale. *Endorsed*, Recd. Read Feb. 2, 1702. *Addressed.* ¾ *p.* [*C.O.* 5, 1048. *No.* 21 ; *and* 5, 1119. *p.* 362.]

Feb. 2.
Whitehall.

286. William Popple to Mr. Thrale. The Lords Commissioners for Trade and Plantations have ordered me to acquaint you, in answer to your Memorial of this date, that they have now under consideration the report that may be found necessary to be laid before H.M. in relation to stores of war for New Yorke. As to your desire of having some thing done towards the clearing of the accounts of the 4 Companies there from March 1699 to the 24th of December, 1702, their Lordships do expect that you lay before them an account of what is wanting to clear the said accounts for the said time. They further mind you of their desire signified to yourself, Capt. Matthews and Mr. Champante at their Board the 4th of the last month, *vizt.*, that you would meet together to settle between your selves the account of the foresaid 4 Companies from the time of the Earle of Bellomont's going to those parts, and acquaint this Board with the result of that meeting, in order to their further proceedings in that matter ; which their Lordships do accordingly expect, and desire it may be speedily done. [*C.O.* 5, 1119. *pp.* 364, 365.]

Feb. 2.
Whitehall.

287. William Popple to John Champante. The Lords Commissioners for Trade and Plantations have ordered me to mind you of their desire signified to yourself, Mr. Thrale and Capt. Matthews at their Board the 4th of the last month, *vizt.* that you would meet together to settle between yourselves the account of the 4 companies at New Yorke from the time of the Earle of Bellomont's going to those parts and acquaint this Board with the result of that meeting in order to their further proceedings in that matter ; which their Lordships do accordingly expect, and desire it may be speedily done. [*C.O.* 5, 1119. *p.* 365.]

Feb. 3.
Portsmouth.

288. Brigadier Colenbine to [?]. Munday I embarked my Regiment, and yesterday I got a draught of 99 men of Sir Charles Hara's Regiment, a noble body of men. I wish I could do them of my Lord Lucas's the same justice. *Encloses* list of requirements. If you desire my Lord I shall succeed in my part of this expedition, I must have the things I want, and must fool away no time to please Col. Codrington in the Leeward Islands, to have all my men sick, for I come there just in the hott season *etc.* *Signed*, V. Colenbine. *Endorsed*, R. Feb. 4, 170$\frac{2}{3}$. 1 *p.* *Enclosed*,

1703.

288. i. Copy of Memorial sent to the Duke of Marlborough. Request for guns, gunners, spades *etc.* 1 *p.* [*C.O.* 318, 3. *Nos.* 13, 13.i.]

Feb. 3.
On board H.M.S. *Canterbury* at the Keys before Port Royall in Jamaica.

289. Rear Admiral Whetstone to the Principal Secretarys of State. *Refers* to letters of Nov. 25 and Dec. 28, since which a most dismall accident has hapned on the 9th inst. by fire on the town of Port Royall. It broke out about noone, and notwithstanding all that could be done to prevent it, before 12 at night it consumed the whole Towne, leaving nothing but the Forts untoucht to the great damage of the inhabitants and merchants, several persons in the conflagration having also lost their lives, the shipping and country will want the supplies formerly afforded by the Towne, God be praised H.M. owne and the merchant ships are all safe. By letters from New York and New England directed to Admll. Benbow, I perceive there is a large quantity of provisions embarking by H.M. command for her shipping heare, but none yet arrived, nor any of the forces from Europe your Lordshipp's Letters advised Admirall Benbow off. Wee heare but little of the French at present, only that Mounsr. Ducass with about 8 ships of warr is at the Havanna. H.M. ships here begin to be very crasy and much want a releife, noe ships but what came last out being fitt for another year's service, nor to come home in the winter; our complements of men are very short, as by the inclosed account your Lordshipps will perceive, and those we have tho' recovered from sickness are very weake. I will endeavour to make the best of both, and will omitt noe opportunity where we can doe H.M. service. I should have been now at sea myselfe, but the caution your Lordships gave Admiral Benbow to be here at the arrivall of the forces ordered for this place stays me. Our cruisers are out in all parts, where any expectation is to do service. These letters comes in H.M.S. *Bristoll*, who upon a survey of Carpenters was found very defective in many parts, which inclined mee to send her with these expresses. The Capt. is a good officer, and can give your Lordshipps verbally a good account of the condition of our ships and men here, and some other things which may be of service too tedious to trouble your Lordshipps with here, the heads of which I have given him. In the great consternation the people were in after the fire, haveing all their provisions burned and their habitations utterly destroyed, for their comfort under such afflictions, I put forth a paper to tell them that any of them should be entertained and relieved on board H.M. ships till they could be otherwise provided for, in which I hope I did not doe amiss. By this ship I send home Capts. Kirkby, Wade and Constable. My willingness to serve H.M. makes me unwilling to press for a reliefe, but if your Lordshipps permit me to come home a little for the recovery of my strength, I shall most gladly return hither or anywhere H.M. pleases to command. *Signed,* Will. Whetstone. *Endorsed,* R. April 19, 1703. *Addressed. Sealed.* 2½ *pp.* [*C.O.* 137, 45. *No.* 43.]

1703.
Feb. 3.
Whitehall.

290. William Popple to Sir John Stanley, Bart. The Council of Trade and Plantations acquaint you that they have prepared a letter to Mr. Secretary Hedges desiring him to move H.M. that she would be pleased to direct a letter to be writ to the Lord Cornbury to allow six months longer time for the Countess of Bellomont's appearance at New Yorke to answer H.M.'s suit there, beyond the time appointed by the bond, of which you left me a copy; and that it will be necessary that her Ladyship's accounts be laid before this Board, in order to their being sent by the same conveyance. Their Lordships having also appointed that notice be given to Mr. Champante, Mr. Thrale and Captain Matthews to attend them on Fryday morning next; they desire the favour of you, if it may consist with your conveniency, to be here also at the same time. [*C.O.* 5, 1119. *pp.* 368, 369.]

Feb. 3.
Jamaica.

291. Lt.-Gov. Handasyd to the Council of Trade and Plantations. In my last I forgot to send your Lordships the Minutes of the Councill, but sent them to the Earl of Nottingham. The enclosed are the Minutes of what has passed since my last, and having nothing to add but that we have had a dismall fire at Port Royal on the 9th of January, consumed the whole town, her Majestie's two forts excepted, which were preserved by the extraordinary diligence and perill of the officers and soldiers, and likewise severall earthquakes, but one on the 30th January, the greatest ever known in this Island excepting what destroyed Port Royal in the year 1692. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 13. Read 15 March 170⅔. *Addressed*. 1 *p*. *Enclosed*,

291. i. Memorandum of Minutes of Council of Jamaica, Dec. 7, 1702–Jan. 9, 1703. ¼ *p*. [*C.O.* 137, 5. *Nos.* 95, 95.i.; *and* 138, 10. *p.* 423.]

Feb. 3.
Whitehall.

292. Council of Trade and Plantations to Sir Charles Hedges. Having received your signification of H.M.'s pleasure that we should examine the allegations contained in a Petition presented to H.M. by the Countess of Bellomont relating to the accompts of the late Earle of Bellomont whilst he was Governour of New Yorke, and that we should report our opinion what may be fit for H.M. to do therein; we desire you to represent to H.M. that we are taking the best method to inform ourselves of the state of those accompts, for which it is necessary for us to write to New York and to send her Ladyship's accounts to the Lord Cornbury for his objections. But it being represented to us that the said Countess is obliged by bond to appear at the Supream Court of Judicature at New Yorke upon the first Tuesday of April next, and there to answer the Suite of the Queen in a plea that she render and pay unto her Majesty the summe of ten thousand pounds sterling which she is said to owe unto H.M., and the Countess alledging that she is ready to account here; we humbly conceive that H.M. may be graciously pleased to allow the further space of six months beyond the time specifyed in the bond for the appearance of her Ladyship, or her lawfull

1703.

Attorney, to answer H.M.'s suit as aforesaid, her Ladyship first giving us copies of her accounts in order to our transmitting them by the first conveyance to the Lord Cornbury, for the answer of his Lordship and H.M.'s Councill thereupon; and that H.M. would please to direct that a letter be writ to the Lord Cornbury to that effect that ye sureties be not prosecuted in the meantime for her Lady'ps. default. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior, Weymouth, Dartmouth, Robt. Cecill. *P.S.*—We are desirous to have copies of the accounts from the Lady Bellomont before she receive H.M. gracious suspension of proceedings against her. [*C.O.* 5, 1119. *pp.* 369, 370.]

[Feb. 3.] **293.** Copy of Bond of Countess of Bellomont of counter-security to those who are bound for her appearance at New York in April, 1703. Oct. 7, 1702. *Endorsed*, Recd. Read Feb. 3, 1703. 1 *p.* [*C.O.* 5, 1048. *No.* 23.]

Feb. 3. **294.** Minutes of Council in Assembly of Jamaica. Message from the House that they desired the Provost Marshall should attend them. Ordered accordingly.

Feb. 4. Committee of both Houses met and reported that they had come to no conclusions as to expedients for provision to be made for widows and orphans.

Feb. 5. Message sent up that, it being represented to the House by the Committee of Grievances that the bridge between St. Catherines and St. Andrews and the roads on each side being very incommodions, inconvenient and scarce passable, and also the roads to the Bath, therefore the House humbly desire your Honours will give leave to such Gentlemen of the Council who are concerned in the management thereof, to lay before the House an account of your proceedings for their inspection, that speedy measure may be taken for amending the same. Joint Committee appointed. They reported that as to the Bridge Bath, upon considering the Act to oblige the parishes of St. Andrews and St. Catherines to build a bridge over the River Rio Cobree, it was the way-wardens' business to take care of the path and their default that it was not done, and that it was proposed and agreed on as requisite that the Bridge should be taken lower and that the foot of the bridge on both sides should be secured with pyles. [*C.O.* 140, 6. *pp.* 436–439.]

Feb. 4. **295.** John Champante to the Council of Trade and Plantations. Having been desired by John Nanfan, late Lieut.-Governor of New York, to apply for relief against the several hardships he now is under, I humbly presume to lay a state of some of them before your Lordships, and hope your immediate care will prevent his ruine, which must otherwise be unavoidable. For he has been compelled to account for the subsistance of H.M. four companies there from the time of Lord Bellomont's death to May 9 last, whereas I have received, as his Agent, the said subsistence but to Dec. 24, 1701, whereby he has disbursed above

1,700*l.* more than has been paid to his order here; and yet notwithstanding he has been arrested in an action of 5,000*l.* in H.M. name, and obliged to find bail to appear to it, though he had before offered to give in sufficient security for the payment of just balance that should appear due from him, by which severe usage he is confined in the Province, to the very great prejudice of all his affairs. And the further to detain him there, several have been encouraged to bring actions against him without any just or legal ground whatsoever, as particularly John Graves and Roger Prideaux, who have now laid actions of 2,500*l.* each upon him for false imprisonment and who were committed by him and the then Council till they should give in security to surrender themselves to a Secretary of State, upon the oath of Governor Heskett, charging them with very high crimes, and when the last letters came away from thence, he was under the apprehensions of other suchlike groundless vexatious actions. He therefore hopes that there may be such due and speedy care taken of him that without any prejudice to the securities he has been forced to give in, he may have liberty to come for England to answer for his administration of the Government there and to look after his own concerns; and he is now and always shall be ready to state and settle his publick accounts, upon which, as matters stand at present, there is a very great balance due to him. *Signed*, John Champante. *Endorsed*, Recd. Read Feb. 5, 170⅔. 1¾ *pp.* [*C.O.* 5, 1048. *No.* 24; *and* 5, 1119. *pp.* 371–373.]

Feb. 4. **296.** Duplicate of preceding. [*C.O.* 5, 1048. *No.* 25.]

Feb. 4. Whitehall. **297.** William Popple to Sir Edward Northey, H.M. Attorney General. The Council of Trade and Plantations send you the enclosed Act of the Leeward Islands for naturalising Col. Walter Hamilton of Nevis, and desire your opinion thereupon in point of Law. [*C.O.* 153, 8. *p.* 137.]

Feb. 4. *Boyne* at sea. **298.** Commodore Walker to [? *the Earl of Nottingham*]. There arriving six East India ships richly laden at Barbados that applyd for convoy, all the Capts. of the men of war beleiveing them of great consequence as well for the considerable customes they are to pay H.M. as the security of that trade, unanimously agreed in opinion that a third-rate should be sent for their convoy, wherefore the expedition was ordered on that service. The feavour and other distempers have raged amongst both the men of war and transports to that degree that if they do not abate there will not be left seamen enough to sail the ships. The soldiers who have been a shoar have been much more healthy, except those quartered in Bridge Towne of Barbadoes, which is a very sickly place, and will always continue so unless the Islanders would take care to have an Hospitall built at some distance from the Town, which by the continual receiving sick persons into their houses has created an infection not easily to be removed. Here having been a kind of cartel settled between Barbados and Martinica, vessels pass to and fro with flags of

1703.

Truce as they call them, and the French come into the Road and anchor amongst the English ships, and the persons belonging to those vessels passe up and down the Island unmolested, as if there were no war at all between the two Crowns, wherefore I ordered Capt. Knapp to seise a vessell that came to Barbadoes on that pretence, and Col. Wills, that commanded one of the Regiments that quartered in the Town, seised the French men belonging to her that came ashoar, as spyes, who have been tryed at Barbadoes by a Court Martiall, and one of the prisoners is condemned to dye. The Cartel settled seems to me as well as most people in Barbadoes to be only a pretext for a collusive trade between the Islands, and gives opportunity to the French to gain all manner of Intelligence concerning H.M. proceedings in these parts. Besides the sicknesse which sweeps away such a number of our men, a great many have deserted which are hid and sheltered by severall of the Islanders, and tho' I have proposed expedients to prevent those inconveniencyes, yet no measures have been taken for it. I writ to the President of the Island to assist us with men, who gave a list of 74 to be taken out of vessells in Barbadoes Road, but there were not found above 30 of them, the best seamen being conceal'd a shoar. Here are eight sail of men of war at the Leeward Islands, which if well man'd are sufficient alone to encounter all the Naval force the French have in the West Indies ; but if the men continue to dye so fast, and no supply be had, they will become onely uselesse hulks. Yesterday I weighed from Barbadoes with the Land forces embarked bound for Antegua. *Signed*, Hovenden Walker. 4 *pp.* [*C.O.* 28, 38. *No.* 10.]

Feb. 4. Whitehall. **299.** Journal of Council of Trade and Plantations. Letter from John Moore, read. Ordered that the Secretary Cook inform the Board what has already been moved on his behalf and what answer has been returned.

Letter to Mr. Secretary Hedges signed.

Ordered that the Act of the Leeward Islands for naturalizing Col. Hamilton of Nevis be sent to Mr. Attorney General.

Acts of the Leeward Islands, Dec. 1701, further considered. (*See* Sept. 1702.)

[Feb. 5.] Mr. Thrale, Mr. Champante, Capt. Matthews and Sir John Stanley attending according to appointment, their Lordships acquainted Mr. Champante that it is necessary the Lady Bellomont's account be speedily laid before them in order to their transmitting the same to the Lord Cornbury. Mr. Champante said that he believed he should be able to lay them before the Board on Monday or Tuesday.

Ordered that Mr. Pauncefort be again desired to favour this Board with an extract of all money paid to Mr. Champante at the Pay Office upon account of the Four Companies at New York.

Major Powel attending, and it being observed to him that several of the soldiers at Newfoundland had deserted, so that he ought not to reckon the charge of provisions furnished by

1703.

him as for the full complement, he answered that all the desertions had been replaced in four days time, and that the charge of doing it amounted to more than the cost of their provisions.

Mr. Usher and Mr. Vaughan attending in relation to the Articles exhibited against Mr. Partridge, Mr. Vaughan laid before the Board an answer to the said Articles, and the proofs thereof that had been communicated to him, wch. was read. Ordered that a copy be given to Mr. Usher for his reply on Tuesday next.

Mr. Champante laid before the Board a Memorial on behalf of Capt. Nanfan which was read, and ordered to be taken into further consideration in the next convenient opportunity. [*C.O.* 391, 15. *pp.* 410–414; *and* 391, 97. *pp.* 105–111.]

[Feb. 5.] **300.** Answer of William Vaughan to the Articles exhibited against Lt.-Gov. Partridge by John Usher in the name of William Wharton. (1) Refers to Lord Bellomont's report. (2) Denies that Partridge has ever traded contrary to the Acts of Trade and Navigation *etc.* As to the Spanish iron, there is no proof of that charge, but only what Armstrong and Richard Wybird swear they were informed by others. (3) Masts and timber are not any of the commodities enumerated in the Act of Navigation, and, as he conceives, are not prohibited by any Law to be carried into any foreign parts in amity with the Crown of England. The masts and timber were not fit for H.M. use. (4) There being no proof of this charge, nor any complaint transmitted to your Lordships by George Jeffries, he hopes your Lordships will not think a letter from Jeffries to Mr. Usher sufficient ground for you to take notice of. (5) There being no proof of any one instance of the Naval Officer's remissness in his duty, or of Mr. Partridge's landing or running any goods contrary to the Acts of Trade and Navigation by means thereof, he conceives a denyall of the fact is all the answer that can be given to so groundless and malitious an insinuation. If your Lordships require any further satisfaction, he prays you will hear Mr. Partridge's Councill. *Signed,* Wm. Vaughan. *Endorsed,* Recd. Read Feb. 5, $170\frac{2}{3}$. 2 *pp.* [*C.O.* 5, 862. *No.* 152; *and* 5, 910. *pp.* 391–395.]

Feb. 5.
St. Jago dela Vega.
301. Minutes of Council of Jamaica. Upon the petition of Capt. Lewis and Mr. Gomersall on behalf of themselves and Mr. Cardoso to be discharged of their Commission of looking after the goods saved out of the fire, in regard that there is none now brought in, and very little left in their custody, and the attendance thereupon is a great charge to them; ordered that William Rogers, Benjamin Willett and Aaron Lamego appraise what is or shall be left between this and Munday, and in the meantime and after, if any claymer appears, that the said Commissioners shall adjudge to have the most probable right (tho' they decline to swear it) to any of the goods remaining in their hands, they may, if they think fit, deliver such goods to such claymer. Ordered that they publickly appoint a certaine day every time they deliver out any goods.

1703.

The Governor acquainted the Board that he had sent to the Admiral a copy of an extract of a letter from Paris giving an account of 30 sail of merchant ships coming to Hispaniola with Mr. Marchand appointed Major of the coast in a ship of 40 guns, which was sent here by Lord Nottingham, as also his Lordship's letter of Nov. 14, together with Admiral Whetstone's answer :—(*a*) Earl of Nottingham to Lt.-Gov. Beckford. Nov. 14 (1702), Whitehall. I rejoice at the good news you send me, and hopes you give of greater successe against the enemy. The enclosed account of our success at Vigo will be noe lesse welcome to you. I desire you to communicate it to Vice-Admiral Benbow, and pray acquaint him that by some intercepted letters from Martinico I understand they are in great want of the men wch. were sent from St. Christopher's to Hispaniola, that orders are sent thither to require them to come away to Martinico. This Vice-Admiral Benbow should endeavour to prevent, and if he be not at Jamaica, I wish some other way could be found to intercept them in their return if they endeavour it. (*b*) Rear Admiral Whetstone to Lt.-Gov. Handasyd. H.M.S. *Canterbury* at the Kayes before Port Royal, Feb. 2, 170⅔. I am sorry the circumstances of my legg hindered my waiting on you yesterday. I should most willingly have paid my respects *etc.* All I can do is to have cruised out in the most likely places. You was pleased to order some soldiers to assist in the *Seahorse*, which if you please to order at Withywood, he shall sail thither to-morrow to take them in in the *Earl* galley, according to what I promised I am fitting and shall not exceed the sum I told you. *Signed*, Will. Whetstone.

The Governor communicated the letter he had now written to Admiral Whetstone, representing to him that in his opinion it will be very much to the advantage of the Crowne and detriment to the enemy that all imaginable care be taken to intercept the ships coming from France and to hinder the relieving Martinico ; which was approved of. [*C.O.* 140, 6. *pp.* 123–126.]

Feb. 6.
Boston.

302. Minutes of Council of the Massachusetts Bay. An accompt of the charge of erecting a fortification about a trading house for supply of the Indians of Pennicooke at Dunstable near Wattaanack, Co. Middlesex, pursuant to a resolve of the Assembly, Oct. 15, presented to Lt.-Col. Jonathan Tyng, amounting to 79*l.* 3*s.* 2*d.*, was examined and approved. [*C.O.* 5, 789. *pp.* 480, 481.]

Feb. 8.
Carolina.

303. Michael Cole to William Blathwayt. Dec. 22, Carolina. Arriving here Oct. 4 last found the Governor, Col. Moore, with fourteen sayle of vessels ready to saile for St. Augusteen with 500 men and 300 Indians ; they sailed from hence about Oct. 16 and made up their fleet at Port Royal in this Collone, and arrived at St. Augusteen about the 24th, and had been masters of the Town and Castell, had not the scilliness of an indiscreet master of one of the small vessels loseing company went ashore with his boat and was taken prisoner, and gave them two days time to provide, but however they possessed themselves of the town

1703.

with littel or know resistance, and made themselves masters of their Churches and Abbe (which are large enough to entertaine seven or eight hundred men) and forced them into the Castell, which is regular fortification with foure bastons; the Besegers has raised a battery of 4 guns, but being slenderly provided with amonistion, they cannot do what they would, they have sent a vessel to Jamaica for bomes and carcasses, wch. if they receive, don't dout to be masters of the Castell in a few days after; they are in want of most necessarys in the Fort, wilest our peopell is plentyfully supplied with cattell brought to theare camp every day by teen wight men and fourty of our nabouring Indians, who does nothing else; the country is plentyfully stored with them; wee are heare mighty dissiorus of the good success of that Interprise, for the happinesse of this Collone Depends upon it, which is now very thrifing, and will make at leest 400 tuns of rice this yeare, though the season has been very ordinary for it. If the Garrison be taken, the country dissires to present the Queen with it, which if H.M. excepts will inlarge our Trade with the Indians about 20 Nations, and add to the trade of our wollen Manifactory seven or eight thousand pounds sterling *per annum*. I shall endevour to bring you the drauft of Portroyall Harbour. I am promised it by a good hand, well acquainted theare, when please God to send me safe for I shall wate upon you, and give you an acct. A great abuse in these parts, which is much to the prejudice to the Trade of the Nation, and will introduce a great Evill—in time will prove twelfe or fourteen hundred pounds prejudice to the publick *per annum*.

Postscript.—Feb. 8, 170⅔. Bristoll. Since the above, the forces from St. Augusteen is Returned heether without any success, after eight weeks laying seeg to the fort, the forces being undisciplen, men growed w(*e*)ary, and was for raysing the seeg (the amonisstion from Jamaica not coming); the Governor, Col. Moore, used all the perswassion he could, for to continue it, but soone after this comosion, theare appeared of that barr two Spanish men of war of about 30 or 40 guns each, with a briginteen and a sloop, with releaf from the Havannah, and came to anker at the foot of the barr, so that the besegers could not bring out their vessels, which weare eight in number, the bigest about 70 tuns, the rest from 50 tuns downwards. They continued the seeg three days after theare arrivall; the Enemy darest not attacke to them, but a last finding noe hopes of bringing of theare vessels, they sett them one fier, as also the Town of St. Augusteen with their Churches and Abbe and reduced it to ashes, and so came of sixty miles march by land, the rest by water in theare preaugors; the charge of this expedition will amount to 7,000*l.*; they have raysed foure to paye this yeare, the other three the next. *Signed*, Michl. Cole. *Endorsed*. R. March 25, 1704. *Addressed. Sealed. Holograph.* 1 *p.* [*C.O.* 5, 306. *No.* 2.]

Feb. 8. **304.** Subscribers for producing Naval Stores in the Plantations to the Council of Trade and Plantations. *Refer* to interview with Mr. Wharton. They conceive their undertaking cannot be so effectually carried on as they intend unless their stock may be 100,000*l.*; vizt. 75,000*l.* to be raised in England, and 25,000*l.* to be raised by the inhabitants of New England and Plantations adjacent, if they shall think fit; and in order to raise this stock, they may have liberty to subscribe any sum not exceeding 200,000*l.* They apprehend the restrictions already propos'd by them will effectually prevent the practice of stock-jobbing, wch. your Lordships cannot be more jealous of than they themselves abhor; but they cannot submit to the restriction made by your Lordships of not selling any stock within five years, which being contrary to the common right of trade, will discourage some who have already subscribed, and deter others from subscribing to this great undertaking. If your Lordships are not satisfied, the subscribers humbly desire a day may be appointed for their attending your Lordships, in order to bring this tedious affair to a finall conclusion. *Signed,* Jno. Balfinch, the Cl. *Endorsed,* Recd. Read Feb. 9, 170⅔. 1 *p.* [*C.O.* 5, 862. *No.* 153.]

Feb. 8. Whitehall. **305.** William Popple to William Lowndes. *Enclosing* observations of the Council of Trade and Plantations upon Major Powell's account [Feb. 2] to be laid before the Lord High Treasurer:—He has exhibited to us his own affidavit before a Master in Chancery to the truth thereof. More particularly, as for the 1st Article; we cannot judge thereof, it being a matter belonging to the Pay Office, the summe is 27*l.* 11*s.* As for the six next Articles; he says he has not brought with him any vouchers or receipts from Newfoundland; but refers to the credit of his own forementioned affidavit. Those six Articles amount to 68*l.* 19*s.*, carried forward 96*l.* 10*s.* Brought over 96*l.* 10*s.* 0*d.* As for the last Article; he has exhibited to us a Paper signed by Commodore Leake, certifying that upon the examination of his accounts it appeared that he is creditor for certain quantities of provisions therein specified, which were imployed in victualling the Company at Newfoundland from the 6th of June, 1701, to the 28th of August, 1702 (both those days inclusive) being in all for 84 days after the year's provisions sent from hence had been expended. And whereas we objected to him that several of the soldiers had deserted and that he ought not therefore to reckon provisions for the full complement, he answered that all those desertions had been replaced in three or four days time, so that the charge of listing the new men amounted to more than the cost of the provisions for those few days. However, as for the value of the provisions furnished, he has shewn us one account, for part thereof, attested upon oath before Commodore Leake amounting to 49*l.* 2*s.* 0*d.* Another account for another part attested in the same manner, and amounting to 22*l.* 0*s.* 0*d.* And an account for another part thereof, certified by Captain Cleland to have been verified before him by the person who sold them amounting to 19*l.* 10*s.* 0*d.*—90*l.* 12*s.* 0*d.* Total 187*l.* 02*s.* 0*d.* Brought forward 187*l.* 02*s.* 0*d.*

1703.

The remainder having, as he affirms, been paid for by himself in several petty summes, for which he took no receipts, amounts to 24*l.* 06*s.* 10¼*d.* Totall 211*l.* 8*s.* 10¼*d.* These being the observations that have occurr'd to us, upon inspection of the vouchers produced by Major Powell, and consideration of what else he has otherwise offered, for making good the respective Articles of his account, we submit the same to his Lordship's determination. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 195, 3. *pp.* 148–150.]

Feb. 8. Whitehall. **306.** Journal of Council of Trade and Plantations. Ordered that a letter be writ to Mr. Merrit to acquaint him that if he or any other persons concerned in the Trade to Newfoundland have anything to offer to this Board in relation to the security thereof, their Lordships will be ready to receive it on Thursday morning next. The observations upon Major Powell's account were signed and ordered to be sent to Mr. Lowndes, and Major Powel's papers returned to him.

Feb. 9. Mr. Bridger and Mr. Bulfinch presented a further Memorial from the Subscribers for producing Naval Stores in the Plantations, wch. was read; and they further declared their willingness that a Clause be inserted in their Charter to oblige them to bring all the Naval Stores they shall raise in America into England, or other H.M. Dominions in Europe, or to any other of H.M. Plantations in America, where bond shall be given that they shall not be transported from thence to any forrein country. [*C.O.* 391, 15. *pp.* 415, 416; *and* 391, 97. *pp.* 113–117.]

Feb. 8. Portsmouth. **307.** Minutes of Council of New Hampshire. Mr. Theodore Attkinson's Debenter relating to the charge of wine *etc.* at H.M. Fort at Great Island, Feb. 5, where several guns were fired for joy of the news of a great victory over the Queen's enemies. Whereas Mr. Sampson Sheafe, Dep. Collector, has informed the Board of four baggs of cotton wool seized for illegal importation, and brought to a trial at H.M. Inferior Court of Common Pleas, where judgment was given for H.M., but the Claimer has appealed to the Supreme Court, the said Collector now moving that noe further proceeding may be had upon said Appeale, but that the cause may be tried at the Court of Admiralty now speedily to be held in this Province according to the Act of 7 and 8 William III; and it appearing to this Board that by the aforesaid Act the cause aforesaid, as well as all other causes of that nature are properly cognizeable before a Court of Admiralty; it is therefore ordered that the opinion of this Board be forthwith certified by the Secretary to the Justices of the Superior Court, that they proceed no further in hearing the aforesaid Appeale, but dismiss the said cause, in order to be heard and tried by such Court of Admiralty, as if said cause had never yet been heard. [*C.O.* 5, 789. *pp.* 138, 139.]

1703.

Feb. 9. **308.** An account of money paid by the Earl of Ranelagh to Mr. Champante for the use of the four Companies at New York. Aug. 1697—Jan. 2, 1701. *Total,* 12,265*l.* 5*s.* 4¾*d.* *Endorsed,* Recd. 9th, Read 12th Feb., 170⅔. 1 *p.* [*C.O.* 5, 1048. *No.* 27.]

Feb. 9. London. **309.** Reply of John Usher to the Answer of Mr. Vaughan (Feb. 5). (1) Lord Bellomont never had any Instructions or authority to examine whether Partridge had qualified himself as the Act directs. It is not only publickly reported in that Province, but is also positively sworn by Usher that Partridge took upon him to act as Lieut.-Governor before he had qualified himself as the Act directs. (2) The evidence submitted may not be admissible in a trial at Law, but may be sufficient to induce your Lordships to believe Partridge guilty. (3) True that the timber *etc.* is not one of the enumerated commodities, but whether the sending supplies fit for H.M. service to foreign parts be not of ill example and consequence, and whether a Lieut.-Governor in so doing has a due regard to H.M. interests and service, is humbly offered to your Lordships' consideration. That he did send such timber is positively sworn by Mr. Bridger and Armstrong (*Feb.* 1). *Refers* to Lord Bellomont's letters of 1700. (4) It appears by the several affidavits annexed that George Jeffries is a person of reputation and integrity. It appears by the several affidavits annexed (which Vaughan neither can or doe deny) that Partridge is a considerable trader and merchant, and whether it be consistent with the office of a Lieut.-Governor or for H.M. service for him to carry on a considerable trade as a merchant, when by being so he has frequent opportunities and consequently is under great temptations of breaking the Acts of Navigation which by his oath he is expressly sworn to observe, *etc.* *Signed,* Jno. Usher. *Endorsed,* Recd. 9th, Read 12th Feb. 170⅔. 5 *pp.* [*C.O.* 5, 862. *No.* 154; *and* 5, 910. *pp.* 396–401.]

Feb. 9. St. Jago. **310.** Lt.-Gov. Handasyd to the Council of Trade and Plantations. I send you an Act of Assembly to prevent the resettling of Port Royall, and I shall refer you wholly to Capt. Lilly's Letter [*Jan.* 30 ?]. But if I may give your Lordships my oppinion, itt had been better itt never had been settled nor ever can be for ye good of the Island to settle there againe, the *said* Plann of Kingston I shall send to your Lordshipps as soon as it can be got ready. *Signed,* Tho. Handasyd. *Endorsed,* Recd. Read April 19, 1703. *Enclosed,*

310. i. Memorandum of an Act to prevent the re-settling of Port Royal. ¼ *p.* [*C.O.* 137, 5. *No.* 96, 96.i.; *and* 138, 10. *p.* 437.]

Feb. 10. Kingstown in Jamaica. **311.** Arnold Browne to the Earl of Nottingham. Refers to letter of Oct. 20, 1702. I understood Capt. Kirkby and Wade should remaine prisoners in these parts till H.M. pleasure should be received. But about Jan. 15 at a Court Martial on board the

Canterbury for trying some criminalls, it was proposed sending them home on the *Bristol*, which I refusing to assent to, the Court Martial was adjourned, and a Council of Warr held, where it was resolved to send them home. *Signed*, Arnold Browne. *Endorsed*, R. April 19, 1702. *Addressed*. 1 *p*. [*C.O.* 137, 45. *No*. 44.]

Feb. 11.
Whitehall.

312. William Popple to Josiah Burchet. The Council of Trade and Plantations have ordered me to desire you to inform them what convoy is designed by H.R.H. this year for Newfoundland with the first and latter ships imployed in that Fishery and Trade. [*C.O.* 195, 3. *p*. 158.]

Feb. 11.
St. James's.

313. Order of Queen in Council. Repealing the Act of New York, Oct. 26, 1700, *for declaring the Town of East Chester a distinct parish from the Town of West Chester*. *Signed*, John Povey. *Endorsed*, Recd. Feb. 22, Read March 5, 170⅔. ¾ *p*. [*C.O.* 5, 1048. *No*. 26; *and* 5, 1119. *pp*. 390, 391.]

Feb. 11.

314. An account currant of the Subsistence, clearings and offreckonings issued to the use of the four independent Companies in New York during Lord Bellomont's Government. *Total issued*, 10,011*l*. 12*s*. 1*d*. *Total spent*, 10,062*l*. 15*s*. 6¼*d*. *Signed*, J. Champante *for* the Lady Bellomont. *Endorsed*, Recd. Read Feb. 11, 170⅔. 2 *pp*. [*C.O.* 5, 1048. *No*. 28.]

Feb. 11.
Boston.

315. Governor Dudley to the Council of Trade and Plantations. *Refers* to letter of Dec. 10. The provisions (*for Jamaica*) in two store-ships and Larramore with his company on board the *Gosport* all sailed hence on Jan. 2 with a fair wind, and about 30 vessels with provisions to the Islands, and I hope may be well arrived. Since which I have also sent away in a new sloop another foot company of volunteers out of the Province of New Hampshire, Capt. Walton Commander, whom I have clothed and armed and victualled for their voyage, and they sailed from Pascataqua Jan. 17, which is all that I can do upon that head, until I may hear of their happy arrivall and kind reception from the Government of Jamaica, which will encourage more to follow them, which I shall be capable to do, if I can keep peace with the Indians, whom I have lately visited and supplied with all necessary trade, to take them off from a French dependence, and very happily by one of our privateers taken a sloop of the French, wherein was the French stores for them for this winter, which at present cuts them off from all hopes on that side. I have also received two letters from your Lordships of June 12 and Sept. 15, with H.M. commands for rebuilding the Fort at Pemaquid *etc*. *Refers* to letter of *Dec*. 10. Though I have little hopes of their doing more, I shall, as I am commanded, exert my utmost endeavours with another session of the Assembly, which shall be holden in March next, and there is no time yet lost in that affair, it being the winter session, wherein nothing can be done with stone or mortar. Referring to the

Fort at Pascataqua River, where the present Fort now stands, I was last week at Pascataqua on purpose to hold the Assembly of New Hampshire, where they have agreed to reform that Fort and raise a new Battery for 10 or 15 large guns close upon the water, and have granted to H.M. 500*l.* for that end, which with the labour of the Militia I hope will do something towards it, and considering that Province, that it consists of but five small Towns, is as much as can be well raised in one year. The Province being so little allows nothing for the support of the Governor, which I should be willing to bear if H.M.'s affairs in her commands in this and other occasions might obtain a just obedience from them. *Refers to letter of June* 12, and "Your Lordships' commands upon Mr. Sheafe's letter to enquire after the Records of that Province, and why they are not lodged in the Secretary's hands. The Gentlemen of H.M. Council there acquaint me that the Records of that Province are of these several sorts, the Acts of Assembly and Council have always been in the Secretary's hands as Clerk of the Council. The Records of the Inferior Court are in the keeping of Theodore Atkinson, Clerk of that Court, and the papers of the Sessions and Inferior Court in the keeping of Capt. Penny, Clerk of that Court, and the papers belonging to the Probate of Wills and Testaments are in the keeping of the Secretary, Mr. Charles Story, whom in favour to that office, that has no better support than 12*l.* per annum, I have commissioned Register of the Prerogative Court, and the Records of Deeds of Land are in the hands of Mr. Penhallow, who before my coming was appointed by the Assembly agreeable to an Act which was some years since sent home to your Lordships, and again sent by myself since my coming as Recorder of the Province, which Act and appointment they say was projected to make the Records of their Deeds secure, the Recorder by the said Act being alwaies to be a person of estate in the Province. I have also examined that article of the fines, and the Gentlemen of that Court and their Clerks have attended me upon it, and answer that they never presumed to take out of the fines more than four shillings *per diem* during their session, which upon a survey I am apt to think is true, and for your Lordships' satisfaction have enclosed a list of the fines for 7 years last past, under the Clerk's hand. Referring to Mr. Randolph's Memorial, I have examined that matter in Council, Mr. Sheafe attending, and I find the whole proceeding very derogatory to the honour of the Crown, and in breach of the Acts of Trade; I judge Mr. Sheafe did what appertayned to him to obtain a judgment against the ship, Montesse Commander, but that ship was broken up the same voyage in that River, and Captain Montesse is since dead in the West Indies, worth nothing, and Mr. Sheafe is well satisfied to be justified, and I am sorry there is no person nor estate to proceed against for remedy, but I hope to prevent any such irregular proceeding for the future. Mr. Ichabod Plaisted has also attended me upon the motion of Mr. William Wallis, and I find him a very capable and diligent officer, and what is suggested referring to Mr. Brenton's allowance of half the salary, I have written to him being at Road Island, and doubt not of his compliance with his promise to your Lordships, which if not submitted to in his answer, I shall inform your Lordships further thereof. Referring to letters from the Lieut.-Governor Partridge, and Mr. Sheafe in the case of the goods imported from the Massachusetts, upon my arrival in New Hampshire I found that the complaint referr'd to four bags of cotton-wool, which were imported contrary to Act of Parliament, and Sheafe had obtained judgment in the Inferior Court, but upon the appeal of the Importer, was cast in the Superior Court, and the value being but 30*l*., it was like to rest there, but I ordered it to be new seized, and upon the Review in the Inferior Court it is again condemned, and I have done what I can upon the second Appeal to the Superior Court to prevent the acquittance, but so it is my Lords in these Provinces, that the Judges are ignorant, and the Juries stubborn, that it is a very hard thing to obtain their just service to the Crown, all which will be prevented if your Lordships please to let me have a Judge of the Admiralty settled here, who by the Acts of Parliament proceeds without a Jury. Mr. Sheafe the officer is well satisfied with what is done in this affair, but I have had no direction from the Commissioners nor otherwise in that affair as your Lordships intimate. *Refers* to copies of Acts of Assembly "sent within a month of my arrival."

I have yet a Peace with the Indians in the neighbourhood of these Provinces, and hope the Maquas will continue firm on the side of New York, if otherwise shall carefully do my duty to my Lord Cornbury, though truly these Provinces are in much more danger. Since the sayling of the *Gosport*, I have no ship of H.M. here, and two or three sloops from Placentia are busy upon the coast, and the other day surprised two sloops in the whale Trade, but some of the People followed them so near, as to recover one, the other is carried away, and I expect every day trouble on the Coast, until I may be favoured with one good frigot for this great Bay, and one lesser for Pascataqua, which I humbly pray I may be favoured with, as being absolutely necessary for the security of the Coast. I have put the Countrey galley, that was very ill-built and almost worn-out, upon the waies for a thorow repair, and in the meantime have a good sloop out with fifty men, if possible to meet with the French sloops, which is yet very difficult at this time of year. *Signed*, J. Dudley. *Endorsed*, Recd. Dec. 20, 1703, Read Jan. 7, 170$\frac{3}{4}$. 5 *pp.* *Annexed*,

315. i. Abstract of preceding. $2\frac{3}{4}$ *pp.* [*C.O.* 5, 863. *Nos.* 10, 10.i.; *and* 5, 911. *pp.* 164–174.]

Feb. 11.
London.

316. Newfoundland Merchants to the Council of Trade and Plantations. In obedience to your commands to lay before your Lordships in writing our opinion in relation to the preservation of that advantageous Fishery in Newfoundland, we hereunder with great submission do offer the same, respecting therein the Petitions which have been delivered to H.M. in Councill and were referred to your Lordships. Wee therefore humbly offer it

1703.

our opinion two or more men of warr may saile from England as soon as possible for Newfoundland whose early arrivall may prevent the destroying all the rest of our harbours there except St. Johns. As we have to our cost experienced the French at Placentia do very often insult all the harbours in Trinity Bay, as they have done Trinity this winter, and wee fear all the rest, they having but a small tract of land, not three miles from Placentia Bay to Trinity Bay, over which they bring their boates, there being not fortifications to oppose them. Wee with all submission offer that unless Trinity Harbour be fortified, which may be easily done, and is of great conveniency as may appear by the Draft (which one of us had the honour to present to your Lordships last year) there will be no security for any to fish or inhabitt in any of the harbours in the said Bay, whereby one third of the Fishery will be lost. And for this we humbly offer to your Lordships that twenty or thirty guns well placed and forty to fifty soldiers with officers to command them, with one hundred small arms, with ammunition and what is also necessary for the said fortifications with the assistance of the inhabitants who are to be under command, may be a sufficient force to secure that Bay, that harbour being capable of receiving one thousand saile of ships, and all the inhabitants of the adjacent harbours, who desire that to be fortified for their common security to fly to in the winter time; what stones and other things may be necessary for the fortification wee humbly referr your Lordships to the ingineers. And whereas the right of the whole Island appertaines to H.M. and Crown of this realm, as appears by the duty the French paid there in the reign of King Charles the Second, and that the French Settlement and Fishery there hath been very destructive to our nation in times of peace as well as of warr and of vast advantage to them in bringing up sailors and by their trade in fish; wee most humbly offer to your Lordships that the taking of and possessing of Placentia their chief fortification, which with God's blessing may be done with eight or tenn men of warr and four or five hundred Grenadiers, to saile from hence by the first of May next, will be of an unspeakable benefit to these nations in respect of breeding up seamen as well as of trade, increase of H.M.'s Customs and of navigation, as your Lordships are highly sensible of, by the account of shipping in time of peace, when wee had but half the trade, which must consequently be doubled when we have the whole. And lastly we humbly offer that the fishing ships may have protections for their men both sailing and fishing lines as qualified by the Act for that trade and may depart under convoy of the two first men of warr, who saile in March, and the other ships which go to take of the fish may have protections and permissions to saile under convoy of those ships, who may depart in May and all this with great submission to your Lordships. *Signed*, John Snell, Simon Cole, Solomon Merrett, Wm. Brooke, Chr. Haynes, Ja. Campbell. *Endorsed*, Recd. Read Feb. 11, 170$\frac{2}{3}$. 2 *pp.* [*C.O.* 194, 2. *No.* 93; *and* 195, 3. *pp.* 154–157.]

1703.

Feb. 11. **317.** Petition of Sir Jeffrey Jeffreys to the Queen. Whereas your Majesty hath been pleased to constitute and appoint 4 packet-boats in course for your Majesty's Islands in the West Indies, whereby frequent advices may be sent to and received from those parts, and seeing the same method will be of like advantage, both to your Majesty and subjects, to sett up at least two vessells which might keep course to the Northern parts of America and New York, being the centre of those parts, Sir Jeffrey Jeffreys does with all humility propose to furnish your Majesty with 2 vessells fittly qualified for the said service, one whereof mounted with 12 gunns and 40 men and provided with oars strong and well built for the winter service to depart for New York in January next from the Isle of Wight, to stay at New York 30 days and no longer, in which time letters may be sent by expresses and answers to them transmitted from New England, Virginia and Maryland and all the adjacent Collonies, and by the same ship brought for the Isle of Wight at 200*l.* p. month, from whence the said ship shall depart again for New York in 20 days or as soon as her Majesty shall direct. The other vesell to be fitted with 8 guns, 30 men to be ready in 2 months after the departure of the first also provided with oars, and to keep the same course at 150*l.* per month, whereby after 4 months your Majesty and subjects may send and receive intelligence to and from those parts (wind and weather permitting) every 2 months, with condition nevertheless that the Commanders of the said vessells may be at liberty to take in such passengers that offer, and a few goods, for balast in their voyage to and from New York, not exceeding 50 tunns on the bigger and 30 tuns on the lesser vessell, to have effectual protection for their seamen both on board and on shoar, the hire to be paid quarterly and to have 3 months pay unprest. *Subscribed,* At the Court at Whitehall, Febry. 11th, 170⅔. Her Majesty is graciously pleased to referr this petition to the Councill of Trade and Plantations to consider thereof, and report therein their opinion, what may be fit to be done in it for H.M. service, whereupon H.M. will declare her further pleasure. *Signed,* Nottingham. *Endorsed,* Recd. 13th, Read 15th Feb., 170⅔. 1 *p.* *Enclosed,*

317. i. If it be her Majesty's pleasure to have both the said vessells of 150 tunns mounted with 14 guns and 40 men, the said Sir Jeffrey Jeffreys proposes to perform the same at the terms mentioned in the proposall, being 350*l.* p. month of thirteen months to the year. *Signed,* Jeff. Jeffreys. [*C.O.* 323, 5. *No.* 1; *and* 324, 8. *pp.* 211–214.]

Feb. 11. Whitehall. **318.** Journal of Council of Trade and Plantations. Mr. John Snel, Symon Cole, Solomon Merrit, together with several other Newfoundland traders, laid before the Board a Memorial for fortifying Trinity Harbour and Carbonier *etc.*, which was read, with the petition of the Merchants of Poole. They offered that the fortifying of those places, without sending soldiers likewise for the defence thereof, will be of no manner of use, and they

1703.

desired that in the Representation to be made concerning Newfoundland, care be taken that one of the men of war now going for Lisbon may be ordered to convoy the salt ships from thence to Newfoundland.

Ordered that the Secretary write to Mr. Burchet to enquire about the convoy for Newfoundland.

Mr. Champante laid before the Board an Account of the subsistence *etc.* of the four Companies at New York during Lord Bellomont's Government.

Feb. 12. An account of money paid by Lord Renelagh to Mr. Champante for the use of the four Companies read. Ordered that copies be sent to Mr. Champante and Mr. Thrale.

Mr. Usher's reply to Mr. Vaughan read. [*C.O.* 391, 15. *pp.* 417–419; *and* 391, 97. *pp.* 121–125.]

Feb. 11. St. Jago de la Vega. **319.** Minutes of Council of Jamaica. The Governor communicated a letter from Governor Dudley, Dec. 26, stating that in obedience to H.M. directions he had provided provisions for the Victuallers at Jamaica, which were now upon two shipps under convoy of H.M.S. *Gospir*, together with one good foot Company of Volunteers, under command of Capt. Larrimore, and hoped to follow them with two more early in the spring under proper officers. "Capt. Larrimore and his officers and most of his men have been abroad this summer upon this coast, and have taken five good ships, and have shewed themselves of good courage, but will fall short in their appearance and discipline of the regular troops you do receive from England, having been in an army, but that may be in a few weeks taught them, and in real service I hope they will show themselves Englishmen. That which I have promised them with the Queen's favour that they shall be kept an intire company under their own officers, and so improved and commanded by their superior officers at all times during their service, and that they shall while in the West Indies receive H.M. pay with all other encouragement both for officers and soldiers as is given to any other troops, and that I ask of you, S^r^, as being a service to H.M. They are the first men in armes that ever went out of this Province, or from the shoar of America, and if at first they meet with discouragement I am sure I shall never send from hence one file of Volunteers more. I therefore humbly pray on their behalf that they may be kindly dealt withall and provided so that I may have a good account of them to be made public here, and it will satisfy everybody. I may say to yourself S^r^ that I have here a verry difficult Province to manage, and it is in your power by a kind reception of these men to repute the service here verry much. Their arms are unsizeable, but I have no store here, neither of Province nor of H.M. to fitt them better, *etc.*" Which being read, and also Capt. Larrimore's Commission, Oct. 19, and the Instructions whereby 'tis appointed that the Captain's pay shall commence from the date of his Commission, and his Company's pay from Dec. 1st last, the Governor required the opinion and advice of the Board thereupon. It was their unanimous advice that

1703.

in regard the said Company are part of the forces intended for a further expedition, and that there is noe establishment remitted hither yet for their pay or subsistence, that they goe in H.M. ships along with the Admirall in his now intended cruise, and the Board desired the Governor to write a letter to the Admiral to take them along accordingly. Ordered that Joseph Quelch provide 16 iron-bound puncheons for the use of H.M. Fort Charles, and in case that he cannot otherwise gett them, that he impress coopers and materials forthwith to make them, for which the usual rates shall be paid out of the Revenue.

Feb. 12. Col. Dudley's letter and an answer from Admiral Whetstone declaring his thankful acceptance of the Governor's proposal of Capt. Larrimore's Company, read.

Petition of Phillip Bennett, late Rector of Port Royall, ordered to be referred to the consideration of the Assembly now sitting.

Petition of Capt. Thomas Simson, setting forth that being gathering men to goe out a privateering, he was by order of the late Lt.-Gov. strictly commanded to carry two packetts to Adml. Benbow and Admiral Whetstone, *etc.*, read. He was paid 60*l.*, which was placed to acct. of H.M. Revenue. [*C.O.* 140, 6. *pp.* 126–130.]

Feb. 11. Boston. **320.** Minutes of Council of the Massachusetts Bay. Arthur Mason, of Boston, moving to have the publick stores of gunpowder removed from his store-house where they are now lodged, a Committee was appointed to view the house of James Allen sometime since fitted up for that use, and to report their opinion thereof next Council Day.

Thomas Mitchell paid 23*l.* 5*s.* for service as pilot of H.M.S. *Gosport* during her station here.

31*s.* 1*d.* paid to the Treasurer of the Town of Boston, being half the charge of repairing the Town House and mending the clock thereof, 1701 and 1702. 29*s.* 6*d.* paid to Benjamin Tolman for beating a drum at the Castle for thirteen weeks.

Account of Timothy Wadsworth, gunsmith, referred to a Committee. [*C.O.* 5, 789. *pp.* 481, 482.]

Feb. 12. Whitehall. **321.** Sir C. Hedges to Governor Lord Cornbury. Acquainting him with H.M. pleasure that Lady Bellomont be allowed six months beyond the time specified in the Bond *etc.* (*See* Feb. 22, *etc.*) *Signed*, C. Hedges. *Endorsed*, Recd. March 1, 170⅔. *Copy.* 1½ *pp.* [*C.O.* 5, 1048. *No.* 29; *and* 5, 1119. *pp.* 386, 387.]

Feb. 13. **322.** Minutes of Council in Assembly of Jamaica. The House attending, the Governor (Handasyd) gave them an account of the Company that was come from New England persuant to H.M. Order to the Governor there, and that for the present the Admiral had taken them on board for the designed cruize, and desired the House to consider (1) that the Law provides no subsistence for any other officers or soldiers then the two Regiments here, (2) that the Governor has advice of more troops that may be dayly expected to goe on some expedition for H.M. service,

(3) that it will be expected during their stay here that they have some refreshment and subsistence. And upon the whole matter he recommended to them to appoint Commissioners to take care for their refreshment and subsistence accordingly. [*C.O.* 140, 6. *p.* 439.]

Feb. 15. Coleman Street. **323.** E. Dummer to the Council of Trade and Plantations. The time the *Bridgman* sloop made her safe voyage to the West Indies :

Sailed from :	*Arrived:*
The Needles, Oct. 22.	Barbados, Nov. 18.
Barbados, Nov. 20.	Antigua, Nov. 24.
Antigua, Nov. 26.	Monserrat, Nov. 27.
Monserrat, Nov. 28.	Nevis, Nov. 28.
Nevis, Nov. 29.	St. Xphers, Nov. 29.
St. Christophers, Dec. 1.	Jamaica, Dec. 6.
Jamaica, Dec. 15.	Falmouth, Feb. 2.

The experience of time is three months and 13 days, that but for some interruption at Jamaica and a little difficulty with a privateer of Petitt Guavas in the Narrow of the Windward Passage, he believes he had made his voyage 12 days sooner. He has not lost a man. He was very diligently dispatcht at all the Islands, save at Jamaica, where he was to clean, he spent more time than was allowed him, which was accidental, however the alacrity of the people at all the Islands in assisting his despatches according to his orders is a great demonstration of their satisfaction in this service, for though his motion was so quick, yet he brought home above 1,500 private letters, and the Dutch dispatches from Currassoa. *Signed*, E. Dummer. *Endorsed*, Recd. Read Feb. 15, $170\frac{2}{3}$. *Addressed. Sealed.* 1 *p.* [*C.O.* 323, 5. *No.* 2.]

Feb. 15. Whitehall. **324.** Journal of Council of Trade and Plantations. Upon consideration of the account received from Mr. Paunceford, ordered that he be desired to inform this Board *as Feb.* 16.

Sir J. Jeffry's Petition read.

Letter from Mr. Dummer read.

Draught of Instructions for Col. Seymour, appointed Governor of Maryland, was read, agreed upon and ordered to be communicated to him.

Mr. Moor, brother of Mr. Moor, Queen's Advocate in Pennsylvania, desiring their Lordships' favour in procuring some salary for his brother in that employment, the answer formerly returned to Col. Nicholson upon the same subject, Aug. 21, 1700, was considered, and Mr. Moor was thereupon told that if he can find out any fund in that Country out of which such a salary may be paid, it should be considered of, but that otherwise their Lordships did not think it fit for them to propose the doing it out of any part of H.M. Revenue here.

The Memorial on behalf of Capt. Nanfan was again read. Ordered that Mr. Champante have notice to attend the Board, in order to inform them the best he can concerning the state of Capt. Nanfan's account.

1703.

Memorandum: That in next writing to the Lord Cornbury, he be advised by this Board not to charge himself with the receipt of any money for the pay of soldiers at New York or other public service in that Province.

Feb. 16. Sir Jeffry Jeffrys attending, and being desired by their Lordships to bring down his proposal to moderate terms, he offered that both the proposed packet-boats should be of equal force and burthen (viz., 150 tuns, 14 guns and 40 men each), and that he would furnish them both for 350*l.* per month, reckoning 13 months to the year; upon consideration of which proposal after his departure, their Lordships ordered that he have notice to attend again on Thursday morning next, and that it be then proposed to him to make no longer stay at New York than 4 days, and that he take the whole advantage of letters, passengers and goods without any other allowance.

Ordered that a Representation be prepared to H.M. upon the presents made to Col. Dudley by the Assembly of the Massachusetts Bay since his arrival in those parts, and to set forth their neglect of making any settled provision for his salary.

Mr. Champante attending, laid before the Board an attested Copy of a Report of the Committee appointed by the Lord Cornbury at New York for stating the accounts of the Companys there; upon which he observed that they charged Nanfan with the subsistence of the said Companies from March 8, $170\frac{0}{1}$ (being the time of Lord Bellomont's decease) until May 9, 1702; Mr. Champante further alleged that he has not received from the Pay Office here for their subsistence any longer than till Dec. 24, 1701. Ordered that a copy of the Report be kept, and that a copy of Matthews's account, Jan. 4, be sent to Mr. Champante and that he be desired to communicate it to Lady Bellomont, that she may give directions for an answer to such part thereof wherein Lord Bellomont may have been concerned, and that Mr. Champante do also lay before this Board an answer to such part thereof as concerns him, as likewise to what concerns Capt. Nanfan, as far as lies in his power. And upon further consideration of Capt. Nanfan's Memorial, ordered that Graves and Prideux have notice to attend on Thursday, that their Lordships may then enquire of them into the state of their claim against Capt. Nanfan, and know of them whether they be willing he should come for England upon the bail that he has already given into their actions at New York.

Feb. 17. Letter from Mr. Thrale read. Ordered that Capt. Matthews acquaint him that their Lordships desire to speak with him to-morrow morning.

The Secretary, by direction of the Board, wrote a particular letter to Mr. Champante relating to Capt. Nanfan's accounts.

Sir John Stanly acquainted their Lordships that a letter having been prepared by Mr. Secretary Hedges, pursuant to their Lordships' letter to him, Mr. Secretary did desire to be certified that the Lady Bellomont had laid before the Board her accounts mentioned in their said Letter as necessary to be transmitted to the Lord Cornbury, before he despatched that prepared by him, whereupon their Lordships ordered another letter to be sent to Mr. Champante.

The Secretary acquainting the Board that Mr. Taylor had returned some of the accounts of the incidents of this office, which lay before the Lord High Treasurer, and signified his Lordship's Order for some alterations to be made in the method of the said accounts, a state thereof (in the method desired) with a letter to the Lord High Treasurer upon that subject were agreed upon and ordered to be transcribed.

Petition of the inhabitants of Carbonier to H.M. read, and their Lordships entered upon the consideration of a Report to H. M. thereon. [*C.O.* 391, 15. *pp.* 420–428; *and* 391, 97. *pp.* 129–139.]

[Feb. 16.] **325.** Copy of a Report of the Committee appointed by Governor Lord Cornbury to state the accounts of the four Companies at New York. June 27, 1702. *The total*, March 8, 170$\frac{0}{1}$, to May 9, 1702=7,372*l.* 10*s.* 6$\frac{3}{4}$*d. sterl.* Drawn by Capt. Nanfan, 4,308*l.* 11*s.* 1*d.* *Signed*, Samuel Vetch, Tho. Noell, Mayor, Robt. Livingston, Robt. Lurting. Referred back by H.E., June 30, 1702, "to the same Commissioners who are to report unto me the disposal of the summs so received or drawn as well as the quantum of the summs owing." *Signed*, Cornbury. *Endorsed*, Recd. from Mr. Champante, Read Feb. 16, 170$\frac{2}{3}$. 6 *pp.* [*C.O.* 5, 1048. *No.* 31.]

Feb. 16.
Whitehall. **326.** William Popple to John Champante. The Council of Trade and Plantations have ordered me to send you the enclosed copy of Captain Matthews's account which was shown to you this morning at their Board, and to desire you to communicate the same to the Countess of Bellomont; that her Ladyship may please to give directions for an answer to such part thereof wherein the late Earl of Bellomont may have been concerned: and that you would also yourself lay before them your answer to such part thereof as concerns you, as likewise to what concerns Capt. Nanfan, as far as lies in your power. [*C.O.* 5, 1119. *p.* 375.]

Feb. 16.
Whitehall. **327.** William Popple to Edward Paunceforte. The abstract which you lately gave me of money paid by the Rt. Hon. the Earl of Ranelagh to Mr. Champante for the use of the four Companies at New York having been laid before the Lords Commissioners for Trade and Plantations; their Lordships do further desire you would please also to inform them what money was paid to the Earl of Bellomont himself, or his Order, at any time before Aug. 1697, when this present account of money paid to Mr. Champante does begin. [*C.O.* 5, 1119. *pp.* 374, 375.]

Feb. 16.
Friday. **328.** Minutes of Council [*in Assembly*] of Barbados. The President acquainted this Board of the sentence of death that had been passed upon Lt. Torraile at a Court Martial held Feb. 2. The Board advised that execution be suspended until the arrival

of the Earl of Peterborough or the Governor. The President and this Board having been advised that M. Casali, who came up in the French Flag of Truce with the French prisoners, had taken upon himself too great a liberty in viewing the bays and fortifications, and in going on board ships, and uttering indecent and dangerous expressions, who ought to be more modest as he is a Messenger from a declared enemy; Ordered that he be confined to his chamber. and do not presume to go on board without leave from the Government, as he will answer the contrary at his peril. For which and other reasons the said Flag of Truce is ordered to be detained for some further time.

Upon the petition of Thomas Reynoldson that the French prisoners be removed from his house, Ordered that they be forthwith removed into James Fort. Reynoldson's petition for reimbursement referred to the Assembly.

James Hannay, Provost Marshall, complaining that the Common Gaol is not strong enough to secure any prisoners, ordered that a survey be taken thereof.

Message from the Assembly that there were but just enough Members in town to make a House, and that two of them were engaged about the selling of negroes. for which reason they adjourned to Tuesday next; and that the Members then present were of opinion that it would be very necessary the *Larke* brigantine should be fitted out, and that the Treasurer had consented to lay out money for that purpose, which they doubted not would be consented to by the Assembly at their next meeting.

This Board being informed that it is absolutely necessary that a guard be kept in the Leeward Forts, ordered that Col. Haycock's Regiment be appointed, to be relieved by Col. Holder's Regiment.

Ordered that the Colonels of the several Regiments do on Saturday next make exact lists of their men, and report to the President in a fortnight. [*C.O.* 31, 6. *pp.* 375–378.]

Feb. 16. **329.** Journal of Assembly of Barbados. The Members present being but thirteen, adjourned till Tuesday next. [*C.O.* 31, 7. *p.* 35.]

Feb. 17. **330.** Stationer's and Postman's Account, Board of Trade, Michaelmas to Christmas, 1702=28*l.* 18*s.* 9*d.*

The Secretary's Account of petty expenses, Michaelmas to Christmas. 1702=12*l.* 6*s.* 6*d.* [*C.O.* 389, 36. *p.* 158; *and* 388, 75. *No.* 67.]

Feb. 17.
Whitehall. **331.** William Popple to John Champante. The Council of Trade and Plantations having received from you the account of the Earl of Bellomont to the time of his death, doe think it necessary that you do send to them likewise an account of the money received and disposed of in New York for the use of the four Companies by Capt. Nanfan, that they may be enabled to judge what is due to the said Companies to the time of the

1703.

Lord Cornbury's Agents entring upon the receipt of their subsistence, and what has been saved by respits since Capt. Nanfan's taking upon him their payment, in order to a fund for the recruits which are now wanting. [*C.O.* 5, 1119. *pp.* 377, 378.]

Feb. 17. **332.** Jno. Thrale to the Council of Trade and Plantations. Mr. Champante's account does not reach the whole account for the time that Lord Bellomont entred upon the Government to the time of the Lord Cornbury's coming to it. Without having such an account (and also of its being plaine and intelligable do humbly presume it will be of noe effect in coming to the knowledge of its intended end, namely to know whether the subsistence, offreconings and cleerings during that whole time hath been paid to the 4 Companys (or how much), in order to which I humbly hope that there may be such satisfactory vouchers produced as may cleere the acct. given in charge per the Lord Renalagh during that time. *Signed*, Jno. Thrale. *Endorsed*, Recd, Read Feb. 19, 170$\frac{2}{3}$. *Addressed. Sealed.* $\frac{3}{4}$ *p.* [*C.O.* 5, 1048. *No.* 32; *and* 5, 1119. *pp.* 376, 377.]

Feb. 17. Whitehall. **333.** William Popple to John Champante. The Council of Trade and Plantations having discoursed with Sir John Stanley, do think it for Lady Bellomont's service that you do give them to-morrow morning a list of her vouchers to the account which you have already laid before them and on her behalf, particularising the nature of such voucher to each article. [*C.O.* 5, 1119. *p.* 378.]

Feb. 17. Hampton. **334.** Minutes of Council of New Hampshire. Thomas Newton produced a Commission for Deputy Judge of the Admiralty under the hand and seal of William Attwood bearing date Nov. 10, which was read, and Newton took the oaths appointed and subscribed the Declaration and Association. [*C.O.* 5, 789. *p.* 141.]

[Feb. 18.] **335.** Proposals from the Undertakers for producing Naval Stores in New England for two alterations in the draft of their Charter, to the Council of Trade and Plantations. If your Lordships insist on the clause proposed by your Lordships relating to stock jobbing, the Subscribers hope they may have leave to try and sell to such persons as are or shall be of the Company, and pray that it may be qualified to this effect, during 3 years. [*Note in margin*, 5 years.] They likewise pray their subscriptions may be allowed to be 200,000*l.* or more, and their stock to be raised and employed in trade to be 100,000*l.* *Signed*, Wm. Wharton, Agent. *Endorsed*, Recd. Read Feb. 18, 170$\frac{2}{3}$. 1 *p.* *Annexed*,

335. i. Estimate of charges the Undertakers for producing Naval Stores in New England must be at for the two first years. *Total*, 71,400*l.* *Endorsed as preceding.* 1 *p.*

335. ii. Certificate from the Officers of the Rope Yard at Woolwich of the goodness of the hemp and tar produced by Mr. Bridger in New England. *Signed*, Thos. Rogers, J. Barton. *Endorsed as preceding.* 1 *p.* [*C.O.* 5, 862. *Nos.* 155, 155. i., ii.; *and* (ii. *only*) 5, 910. *pp.* 402, 403.]

1703.
Feb. 18.
Whitehall.

336. Journal of Council of Trade and Plantations. Mr. Champante attending, declared that he can add nothing further to the accounts which he has already laid before the Board, but that if Capt. Matthews or Mr. Thrale do make any objections thereunto, he will endeavour to answer them, and in the meantime he affirmed that upon the best information he has had, he does really believe that Capt. Nanfan has accounted for and actually paid the subsistence of the soldiers at New York for the time set forth in his Memorial.

Sir John Stanly again desiring that Mr. Secretary Hedges may be certified of the Lady Bellomont's having had her account before this Board, their Lordships represented to him the necessity of their having also a list of her vouchers to be transmitted with her account to the Lord Cornbury, though the original may yet remain in her hands, whereupon he said he would speak to her Ladyship to send her servant to this office with the said vouchers and list, that they may be compared together, and their Lordships directed that when that is done, a certificate be prepared according to Sir John's desire, as likewise a letter to the Lord Cornbury wherein to transmit the account and list of vouchers aforesaid.

Mr. Graves and Mr. Prideaux attending, and being asked what was the ground of their actions against Capt. Nanfan at New York, they answered that it was for false imprisonment, and further explained that the said imprisonment had been made by Order of the Lieut.-Governor and Council; adding that the Lord Cornbury having proposed to them that the said actions should be tried here, they had refused him, and persisted still in the same opinion, because witnesses that may be useful to them are at New York. They were directed to attend tomorrow. Sir Mathew Dudley attended with other undertakers for the importation of Naval Stores from America, and laid before the Board an estimate of the charges they must be at for the two first years of their undertaking, as also a proposal for two alterations to be made in the draught of their Charter, and a certificate as to the quality of the hemp and tar which Mr. Bridger himself had made in New England, which were read. And those gentlemen being then acquainted by the Board that there are some papers already lodged here in opposition to their intended design, these were read, and copies ordered to be given them, and they were appointed to attend again on Monday, in order to the hearing both parties.

Feb. 19.

Mr. Taylor, a servant of the Lady Bellomont, exhibited to the Board several papers as vouchers to her account, but not having prepared an abstract of the said vouchers proper to be transmitted to the Lord Cornbury, he was directed to bring copies thereof, which he promised to do against Monday or Tuesday next, and their Lordships thereupon, at the further desire of Sir John Stanly, certified in a letter to Mr. Secretary Hedges, that they have no objection against his delivering the letter for respiting her appearance at New York.

Col. Lodwick having been sent for upon the motion of Sir Jeffry Jeffrys for his opinion about the time proper to be allowed the packet-boats under consideration to stay at New York, declared that in his opinion it would be expedient that from Lady Day to Michaelmas they should be allowed to stay 20 or 25 days, and from Michaelmas to Lady Day 30 or 35 days, because the posts from thence to Virginia and Boston do in the summer require a fortnight and in winter a month to go and return.

Letter to the Lord Treasurer, with account, signed.

Representation to H.M. upon petitions of Newfoundland Merchants, with letter to Mr. Secretary Hedges, signed and dispatched.

Mr. Champante, Mr. Weaver and Capt. Hasket attending in relation to the actions brought against Capt. Nanfan by Mr. Graves and Prideaux, who were also present, Hasket laid before the Board several depositions taken here against Graves and Prideaux, and they laid before the Board an account of the proceedings at New York. [*C.O.* 391, 15. *pp.* 429–435; *and* 391, 97. *pp.* 141–147.]

Feb. 19. Whitehall. **337.** Council of Trade and Plantations to Mr. Secretary Hedges. We have received the Lady Bellomont's account (Feb. 3), and it being promised that we shall in few days have copies of her vouchers for the said account, we have no objection against the delivery of the letter for respiting the time of her appearance at New Yorke. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *p.* 379.]

[Feb. 19.] **338.** Copy of Depositions of Lawrence Quynes, Charles Macarty, and John Dogett, taken before the Lord Chief Justice Holt and the Earl of Nottingham against Mr. Graves and Mr. Prideaux, late of the Island of Providence. (*See Cal.* 1701, 1702, s. v. Hasket, etc.) *Endorsed*, Recd. from Capt. Hasket. 19 *pp.* [*C.O.* 5, 1262. *No.* 23.]

Feb. 19. Whitehall. **339.** Council of Trade and Plantations to the Lord High Treasurer. Enclosing acct. of incidental charges of the Board. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

339. i. Account of incidental charges of the Council of Trade,

June 24, 1701—March 8, 1702	157*l.* 6*s.* 2*d.*
March 8, 1702—Dec. 25, 1702..	180*l.* 14*s.* 6*d.*
Charge of Commission for adding Mr. Prior to the Board, July 11, 1700..	55*l.*
Charge of Commission for adding Mr. Cecill, Jan. 8, 1702	55*l.*
The Queen's General Commission for the whole Board, June 19, 1702..	90*l.* 16*s.* 0*d.*

[*C.O.* 389, 36. *pp.* 160, 161.]

1703.
[Feb. 19.] **340.** (i) Account of the proceedings at New York relating to the imprisonment of John Graves and Roger Prideaux. (ii) Minutes of Council of New York, Dec. 18, 22, 24, 1701. *Quoted.* (*pp.* 1–6.) *Continues* (*pp.* 7–11):—

(iii) Copy of petition of John Graves and R. Prideaux to Governor Lord Cornbury. Recapitulates events in the Bahamas, Oct. 1701. On his arriving at New York, Lt. Gov. Nanfan granted upon Capt. Hasket's application, a warrant of commitment against Graves without sending for, hearing or examining him, and he was on his coming on shore immediately apprehended and carried to prison, where he remained until the Lieutenant Governor was pleased to send for him in Council, and then without any examination or other proceeding discharged him, and some few days after both Petitioners were apprehended by a warrant from the Lt. Governor and Council, and committed to prison without any cause shewn or examination had of any offence against them, and after having been imprisoned a considerable time, Petitioners were sent for before the Lt. Governor and Council and there maliciously and falsely charged with High Treason and Rebellion, grounded on an information full of absurdities and obscure and general charges, stiled a Memorial by Elias Hasket. Petitioners were then without examination of them or sending for Hasket face to face or other cause, oath or evidence given, by a second Order of Council, though but two consented, committed to the custody of the Sheriff where they have continued to this day, being near five months, in all which time Petitioners could not obtain liberty to be heard or admitted to bail in order to persue their intended voyage, by which practices Hasket obtained his desired end, and without entering into any recognizance to prosecute petitioners, was permitted to depart this Province, and thereby the just prosecution against him before H.M. for his many hainous crimes etc. is prevented etc. etc. *Pray* that Petitioners may be permitted to depart this Province in order that Graves may appear before H.M. and the Lords of Trade and Plantations and deliver his evidence and charge against Hasket, that due prosecution may be had against him. *Signed*, John Graves, Ro. Prydeaux.

(iv) Copies of Minutes of Council of New York, May 28, June 5, 1702.

(v) Barne Cosens to Governor Lord Cornbury. In obedience to your Excellency's command, communicated to me in a letter from Mr. Honan, your Excellency's Private Secretary and Secretary of the Province, to transmit to your Lordship the reason, or by whose directions the offers made by Mr. Graves and Prideaux to give security for the surrendering themselves to the Secretary of State in England was not entered by me in the Council Books, I humbly inform your Excellency of the whole proceedings:— Dec. 18, 1701. Governor Hasket preferred a Memorial to the late Lt. Governor and Council which was then read in Council, and Hasket sworn that that part thereof that was within his knowledge was true, and that the rest he believed to be true. The subject matter of the Memorial was declared by the

1703.

Lt. Governor and Council to be of great importance, and was referred to further consideration, and the Memorial ordered to be entered in the Council Books *verbatim*, which I did accordingly. On the evening of the same day the Lt. Governor and Council again met at the house of Dr. Staats, then one of the Members of Council (he having been so much indisposed that he could not, as he alleged, attend at the Fort in the morning). It was ordered, *nem. con.* that the High Sheriff of New York should take Graves and Predeaux together with one Crawford into custody, and should keep and secure them to be forth coming when sent for. To this Order of Council I had added these words, or to this effect [and ordered the Clerk of the Council do prepare a warrant for that purpose immediately]. Mr. Atwood objected that there was no occasion for any warrant of commitment, for that an Order of Council signed by the Clerk of the Council without any cause shewn therein was sufficient for the High Sherriff to secure the said persons till further Order from the Council Board. Whereon the said Order of Council passed without a warrant, or order to prepare any. Dec. 27, 1701, the Lt. Governor and Council being again convened at Dr. Staats' House, Graves, Predeaux and Crawford were called in, and the Memorial of Hasket read to them, and they were examined thereto. Either Graves or Predeaux or both (to the best of my remembrance) insisted on the hard usage they had, that a person displaced for male-administration from his Government and sent home in irons to answer the same, should be forced out of the possession of the persons to whom the charge of him was committed, and set at liberty, and that on this person's oath only they were committed to gaol, when Hasket had not given any manner of security to prosecute them for the crimes he laid to their charge; that the oath taken by Hasket (*above*) could not by any strained construction be interpreted to be a sufficient cause of commitment, when by the said Memorial it did not appear which part thereof was within his knowledge, and wch. not, neither were the crimes alleadged in the same, if true, sufficient to commit them for High Treason; they desired they might have liberty to proceed on their intended voyage for England, and they were ready to give security in what summ should be thought fit for their rendering themselves to the Secretary of State, and prayed that Hasket might do the same, or otherwise they offered to go prisoners and in irons to England, provided that Hasket was obliged to doe the same. They being ordered to withdraw it was debated in Council if they should be discharged on giving such security, or remanded. Col. Depeyster, Dr. Staats and Mr. Walters were of this opinion. Mr. Atwood declared the crimes laid to their charge to be High Treason, which was proved by Hasket against them, and was a sufficient ground to commit them, and Mr. Weaver and Mr. Atwood declared it against Law to take any security for High Treason, and the Lieutenant Governor joyned in opinion with them. Mr. Atwood alledging that the Council would meet again in a day or two, and that it was advisable that they should in the meantime be remanded to gaol, and that the Lieut.-Governor and Council against next Council Day might consider what was proper to be done, it was ordered that they should be remanded, and Mr. Atwood at the request of the Lieut.-Governor and Council dictated the Order of Council of Dec. 22, 1701, to me, which I read, and the same was approved by the Lt. Governor and Council. On Dec. 24, the Lieut. Governor and Council met again in Council at the Fort in New York, where, to the best of this Deponent's remembrance, Mr. Graves appeared and prayed one Downing, a marriner in the vessel they arrived in, might be sworn, who, being sworn, declared that Hasket had offered him a considerable reward on his arrival here, if he would throw a box Mr. Graves' papers were in overboard, and give Hasket the largest packet therein, but he refused. Afterwards they being withdrawn, the Lieut.-Governor and Council ordered me to enter the Minute of Council of Dec. 24, which I entered accordingly. After this, when the Council were sitting, sometimes Mr. Graves and sometimes Mr. Predeaux came to me with a repetition to the Lieutenant Governor, or the Lieutenant Governor and Council, which were delivered or read by me to the Lieutenant Governor and Council by their order. These petitions (I remember not the contents of) but was ordered by the Lieutenant Governor and Council to take no notice of them in the Council Books. New York, Sept. 21, 1702. *Signed*, B. Cosens, Cl. Concilii. *Sworn before* Tho. Noell, Mayor of New York. *The whole endorsed*, Recd. Feb. 19, 1702. 22 *pp.* [*C.O.* 5, 1048. *Nos.* 33. i.–v.]

[Feb. 19.] **341.** Memorandum of three Depositions taken before the Lord Chief Justice Holt and the Earl of Nottingham against Mr. Graves and Mr. Prideux. ½ *p.* [*C.O.* 5, 1048. *No.* 33. A.]

Feb. 19. Whitehall. **342.** Council of Trade and Plantations to Mr. Secretary Hedges. Pursuant to your signification of H.M. commands in relation to the petitions of the merchants of Poole and others concerned in the Newfoundland trade and fishery, we have heard and considered what has been offered to us, and being very much importuned by the merchants to despatch our report thereupon, we send you the same here enclosed that you may please to lay it before H.M. on Sunday next or by the first opportunity. *Signed*, Weymouth, Dartmouth, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

342. i. Council of Trade and Plantations to the Queen. Having in obedience to yr. Majesty's commands considered the Petitions of the Merchants of Poole trading to Newfoundland, and of the inhabitants of Carboneer, one of the principall harbours there, together with a Memorial presented to us by several other Merchants concerned in that trade, we thereupon humbly report :—that the said petitioners and merchants do humbly pray that yr. Majesty would graciously please to appoint two or more ships of warr to convoy their fishing ships to Newfoundland, which they design to have ready to saile in the month

1703.

of March; that another convoy be ordered for their sack ships to sail in May next, and that they may have protections for all their men, both sailing and fishing crews; that they likewise set forth that Trinity Bay, being but three miles overland from Placentia, the chief fort of the French, your Majesty's subjects in those parts have frequently been insulted by the French, who in November last plundered the north side of that Bay and carried away several famillys prisoners; and for prevention of the like mischief for the future, and the better security of the fishing of that Bay they further humbly desire that a fort may be built there at a convenient place, with 20 or 30 guns, and that 40 or 50 soldiers with officers be also sent thither, and 100 small arms, ammunition and what else may be necessary for the said fort, which with the assistance of the inhabitants of that, and the neighbouring harbours (who they propose should be under command of the said officers in the winter season), they believe will be very useful to defend them against any attempts the French may make there hereafter. They further add that Carboneer, a considerable fishing place in Conception Bay, being also in danger of insults from the French, it may be necessary that it be in like manner fortified, and alledge that the same may be done at a small charge. Upon consideration whereof, and upon hearing the said petitioners and merchants, we humbly propose that two or more men-of-war be appointed to convoy the the fishing ships, and two others for the sack ships imployed in that trade and do humbly conceive that for the better security thereof in the time of war, it is necessary that the two first should saile before the end of the next month, and that notice be given to the Ports of Barnstable, Biddiford and other Western towns trading to Newfoundland at what time and in what port of England or Ireland the said ships shall rendezvous in order to their proceeding under the protection of the said convoy; as likewise that the ships from Barnstable, Bristol and Biddiford may have some cruiser appointed to convoy them to the rendezvous as his Royal Highness the Lord High Admiral shall please to direct. We likewise humbly offer that the men-of-war to be appointed for convoys of the sack ships may saile in the month of May next, and that notice thereof be given in like manner as for the fishing ships. And whereas the salt imployed in this fishery is chiefly supply'd from Portugal, we further humbly report that the merchants do likewise desire that a convoy be ordered for their salt ships from Lisbon to Newfoundland, which we think very necessary to be taken care of. As to the forementioned forts, it not sufficiently appearing unto us whether the places, where the merchants desire they may be erected, be such as to defend the said harbours from attacks by sea, and the settlements from attacks by land, we are humbly of opinion that your Majesty may be pleased to order the Commodore or some officer to be appointed by him, to take on board the engineer from St. John's Harbour, and with him to view the said places, and report to your Majesty how the same are fitted for such fortifications, and what may be the charge thereof; whereupon your Majesty will give such directions therein as to your great wisdom shall seem meet. and that in the meantime your Maj. would order the said Commodore to do all that in him lies to protect your Majesty's subjects in those harbours, and to put them into as good a state of defence as may be, for the present. *Signed*, Weymouth, Dartmouth, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 195, 3. *pp.* 160–164.]

Feb. 19. St. Jago de la Vega. **343.** Minutes of Council of Jamaica. The Governor acquainted the Board that there was the Ensign and his wife and some men of the Company that came from New England (the four men with the small pox upon them) come to Towne, and that to prevent their perishing, he had taken care that they was put out to nurse att 15*s*. a week each. And thereupon required the opinion of the Board how the charge should be paid, who gave their opinion that the charge and also the subsistence of the Ensign and his wife att 40*s*. a week for both be paid out of the Revenue till a fund comes or is raised to reimburse the same to the Revenue.

Feb. 20. 60*l*. paid to Nicholas Lawes for six months salary as Chief Justice, and 150*l*. for a bed and furniture of a room, bought of him for the use of the Governor.

Accounts of Harvey Nicholls, Deputy Marshall, referred to Committee. [*C.O.* 140, 6. *pp.* 130, 131.]

Feb. 20. **344.** Minutes of Council in Assembly of Jamaica. Message from the House sent down that the Justices of the Peace of Port Royal have leave to join with the other Justices of that place to give an account of their proceedings persuant to the two Acts of last Assembly for paying the public debts and subsisting the soldiers. They also requested H.E. to send them a plan of Kingston as it is laid down by Col. Christian Lilly. These requests were granted.

Ordered that any member of this Board that for the future absents himself without leave, or does not give a reasonable excuse, shall be sent for by the Messenger.

Col. Lilly being sent for and bringing the plan referred to above, it was sent to the Assembly.

Conference of the Members of the two Houses who were Members of the Corporation of the Bath of St. Thomas appointed.

Bill to invest H.M. in lands in Kingston for the reception of

1703.

the sufferers by the late dreadful fire at Port Royal, declaring Kingston to be the Cheife Seat of Trade and head Port of Entry, and fortifying West Chester, sent up.

Monday. [*Feb.* 22.] Joint-Committee appointed to confer concerning the taking care of H.M. soldiers.

The House desired to know what is become of the Bill abovementioned, the passing of that Law requiring the greatest dispatch for the preservation of this H.M. Island and her subjects, late sufferers on Port Royall, for that the Grand Court being to meet to-morrow it will be very inconvenient that the Assembly should sitt at the same time with that Court. Message returned that the Council have moved the Governor that there may be a full Council at the reading of that Bill, and he had accordingly ordered a full Council to meet on Wednesday, and that in regard the Grand Court is to meet to-morrow, the House has liberty to adjourn to the old Council Chamber. A Conference was held at the desire of the House, and it was reported from the Conference that the House desired it upon account of a mistake that they supposed the latter part of the last message to come to them from the Council, which the Committee of this Board convinced them of the contrary, acquainting them that the latter part of the said message was purely sent from the Governor. [*C.O.* 140, 6. *pp.* 439–443.]

[Feb. 21.] **345.** Copy of a Bill before the House of Commons for the better carrying on the war by sea and land in West Indies. Be it enacted that it shall and may be lawful for H.M. by Charter or Commission under the Great Seal to grant and allow such powers, priviledges, securities and advantages, to all such persons, Bodys Politick or Corporate, Companies or particular partnerships of men, whether Natives or Foreigners, as shall be willing to contribute towards taking and seizing any of the ship or effects of or belonging to the subjects of France or Spain upon the seas, or towards seizing or possessing any lands, citys, or other effects of France or Spain at sea, or in the Indies, as she in her Royal wisdom shall think fit. And whereas it is of late found by experience that the scarcity of English seamen hath been a great obstruction to the effectual carrying on the warrs by sea as likewise of the general Trade and Navigation of this Kingdom, Be it enacted that from and after the first day of May, 1703, for and during the continuance of the present warr with France and Spain, untill six months after the expiration thereof and Proclamation of the Peace or other determination of Acts of hostility, as shall be agreed on by any Treaty of Peace, it shall and may be lawful for any of the subjects of this Kingdom in their ships or vessels to employ any number or numbers of foreign seamen without limitation of number or quality, the Act of Parliament intituled the Act for the encouraging and increasing of shipping and navigation, or any other law, custom or usage to the contrary in any wise notwithstanding; And to the end that all manner of persons may be the better incouraged not only to contribute and adventure their moneys or effects, but likewise their persons in the prosecuting that part of this just and necessary war, which relates to the seas and to the Indies, Be it enacted that for and during the present Warr all such Foreigners as shall serve H.M., whether by sea or by land in the Indies for one whole year or more, and shall likewise take the oath of Fidelity to H.M. appointed by the Act for abrogating the oath of Supremacy and Allegiance, shall be hereby rendered capable of having and enjoying the same priviledges with the natural-born subjects of this Kingdom in all H.M. Colonies and Territorys in the West Indies only. *Endorsed*, Recd. Feb. 21, 170$\frac{2}{3}$. 2½ *pp.* [*C.O.* 323, 5. *No.* 6.]

Feb. 22. Whitehall. **346.** William Popple to Mr. Taylour. The Council of Trade and Plantations having transmitted to the Lord Cornbury a copy of Lady Bellomont's account and vouchers, they have ordered me to desire you to acquaint her Ladyship that it is necessary for H.M. service as well as her Ladyship's ease that she give order to her Agent there to attend his Lordship and the Council for the better explaining the several particulars of the said account, whereof a Report is to be made by his Lordship to H.M. [*C.O.* 5, 1119. *pp.* 380, 381.]

Feb. 22. Whitehall. **347.** Council of Trade and Plantations to Governor Lord Cornbury. Since yours of Jan. 26, we have received several from your Lordship all dated in Dec. last; the particular subjects both of them and your former, we shall answer fully very soon. At present we will only acquaint you that the Countess of Bellomont having petitioned H.M. that the security she has given at New York for her appearance there in April next may be discharged, the consideration of which H.M. was pleased to refer to us, and we having thereupon offered our opinion for respiting the time of her appearance for six months after the expiration of the time now appointed, and her Ladyship having also laid before us her accounts for the whole time of the Earl of Bellomont's administration in the Government of that Province, and given us a copy of the vouchers which she intends to make use of in justification of her account, a letter has thereupon been dispatched by Mr. Secretary Hedges, signifying H.M. pleasure that six months longer time be granted for the appearance of her Ladyship, or her lawful Attorney at New York, in reference to the public demands, and that in the meantime her sureties be not prosecuted for her default, which letter will be transmitted to you by her Ladyship or her Agent. We have also thought fit to send you copies of all the foresaid papers which have past through our hands, that your Lordship may examine the said account in Council, and return to us your objections (if any) thereunto for H.M. final directions in that matter. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, William Blathwayt, Jno. Pollexfen, Mat. Prior. *P.S.*—We are informed of divers severe prosecutions in New York upon occasion of the late Government and former Resentments, whereupon we remind your Lordship of what we enjoyned you, as we have often done to your

Predecessors, that you should no way countenance the retaliation of former injuries, but by all fair means contribute your endeavours for the quieting the minds of the people.

March 25. We herewith send you four letters from the Earl of Nottingham relating to the French and Spaniards, not doubting of your care in observing the directions hereby given you within H.M. Provinces under your Government. We likewise inclose herein a letter to the Governour and Company of Connecticut and another to Governor Dudley, in the sending forwards of which we intreat your Lordship's care. [*C.O.* 5, 1119. *pp.* 381–383.]

Feb. 22. Admiralty Office. **348.** J. Burchett to William Popple. H.M. has been pleased to referr to the consideration of the Prince, the Lord High Admiral, the Memorials of the Lords of the Council for Trade, in relation to convoys for the ships bound from hence and Portugal to Newfoundland. H.R.H. hath been informed that the outward bound ships to those parts, especially those that sail from the out ports, have frequently taken the opportunity, as they were ready, to sayle without convoy, and not knowing but they may take the same measures now, which if they do, the ships you propose for the said convoy will be employed to little or no purpose, and H.R.H. not knowing what trade is bound that way from Portugal, I am commanded to desire that you will move the Lords of the Council for these affaires to give H.H. an account what fishing ships, and sack ships, are bound from the ports of this kingdome to Newfoundland, and whether it may be depended on they will stay for convoy; as also what numbers of ships are now designed thither from Portugall; for as all possible care will be taken for the security of this trade, soe would his Highness not willingly employ H.M.'s ships unnecessarily therein, since there are so many other services that pressingly call for them. And as for the security of the fishing ships and vessells when they shall have made their voyage, Rear Admiral Graydon, who is going to command the West Indian Squadron, has full instruction therein, with respect as well to those bound to England, as Portugal. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 23, 170$\frac{2}{3}$. $1\frac{3}{4}$ *pp.* [*C.O.* 194, 2. *No.* 94; *and* 195, 3. *pp.* 165, 166.]

Feb. 22. **349.** List of the vouchers to Lady Bellomont's accounts. *Endorsed*, Recd. Read Feb. 22, 170$\frac{2}{3}$. $4\frac{1}{2}$ *pp.* [*C.O.* 5, 1048. *No.* 34.]

Feb. 22. Whitehall. **350.** Journal of Council of Trade and Plantations. Letter to the Earl of Nottingham written.

Mr. Taylor delivered to the Board several papers as vouchers to Lady Bellomont's account. Whereupon their Lordships wrote a letter to Lord Cornbury wherein to transmit them *etc.*

The Secretary wrote to Mr. Champante, and the letter was given to Mr. Taylor.

Sir Matthew Dudley with divers other persons concerned in the undertaking for Naval Stores attending, with Sir Thomas Powys, on one side, and Mr. Phipps with the merchants who

1703.

have petitioned against the granting a charter for that purpose and others opposing the same on the other, both sides were fully heard, and the names of several subscribers as well in New England as here being read, the objectors observed that divers of them since their first subscribing the same, had declined to be any further concerned therein, and objected that the design of such a Charter seemed rather to be calculated for monopolating the trade of that country, than for importing Naval Stores from thence, it being impossible for any private person to cope in trade with a Corporation supported by so great a stock as this was intended to be; and they therefore desired at least that the granting of any such Charter be deferred till the Government of New England may have been informed thereof and their answer received. The other party replied, that it be so long since this design has been in view, the not importing of such quantities of Naval Stores by private persons as may be sufficient is a proof that it cannot be done in that manner, and that nothing but a joint-stock managed by a Corporation is sufficient to do it; the Charter now under consideration is not intended to be exclusive of any, and that such persons as apprehended prejudice by the largeness of the Company's Stock may themselves have liberty to come into it, and partake of the advantage which shall accrue thereby.

All the foresaid Parties being withdrawn, their Lordships ordered a compleat copy to be made of the Charter under consideration (with such alterations and additions as have been already directed) in order to their further Resolution upon it.

Feb. 23. Letters to Governor Codrington, Secretary Handasyd and to the President and Council of Barbados were signed and ordered to be sent by Mr. Dummer's Packet Boat now about to sayle.

Letter from Lord Nottingham read, and an answer returned.

Letter from Mr. Burchet relating to Newfoundland ships read, and thereupon ordered that circular letters be written to the Mayors of the out Ports, and that the Newfoundland merchants of this City be desired to attend this Board to-morrow.

Letter from Mr. Thrale read.

Letter to Lord Nottingham upon Sir J. Jeffrys' petition ordered.

Feb. 24. Sir Wm. Phippard and other Newfoundland merchants attending, and Mr. Burchet's letter of Feb. 22 being communicated to them, they laid before their Lordships a Memorial relating to convoys for that trade, together with a list of the ships that they now understand to be designed thither, as well directly from hence as from Portugal with salt, which was read; and they added that if they can be assured of a convoy and of protections for their men, the number of fishing ships will probably be much greater, and that the sack ships will consequently be increased in the same proportion. Upon which their Lordships gave directions for an answer to be returned to Mr. Burchet's foresaid letter. [*C.O.* 391, 15. *pp.* 435–446; *and* 391, 97. *pp.* 149–163.]

Feb. 23. **351.** John Thrale to the Council of Trade and Plantations. I humbly pray your Lordships to move H.M., in behalf of

H.M. Colony of Virginia, that H.M. would be graciously pleased to send them over H.M. picture, to be sett up in their Councill Chamber, as also H.M. coate of arms for the Supreme Court, as hath bin usual to all H.M. Colonys. And farther request your Lordships that the like may be don for H.M. Province of New York. *Signed*, Jno. Thrale. *Endorsed*, Recd. Read Feb. 23, 170$\frac{2}{3}$. *Addressed.* $\frac{3}{4}$ *p.* [*C.O.* 5, 1313. *No.* 14.]

Feb. 23. **352.** Memorandum of preceding. $\frac{1}{4}$ *p.* [*C.O.* 5, 1048. *No.* 30.]

Feb. 23.
Whitehall. **353.** Council of Trade and Plantations to the President and Council of Barbados. We hope that before the arrival of the packet-boat by which this letter goes, you will have Sir Bevill Granville with you, he being now on board one of H.M. Frigats at Plymouth in order thereunto, by whom you will be fully acquainted with her Majesty's pleasure relating to the Government of Barbados. However, we would not faile of letting you know that there is nothing depending before us relating to that Government more than the informing H.M. of the expence the Island has been at in securing their Trade, the guns and stores of warr desired being now aboard the store ships sailing for those parts. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *pp.* 286, 287.]

Feb. 23. **354.** Council of Trade and Plantations to Thomas Handasyde. We have understood from other hands that you have received her Majesty's Commission constituting you her Lieut.-Governour and Commander-in-Cheif of her Island of Jamaica; and hope we shall in a short time have the same account from your self, as likewise of all matters relating to that Government. And in order to it we recommend to your perusal, the Commission and Instructions given to former Governours which you are strictly to observe. You will omitt no opportunity of writing to us either by the packet-boat or other conveyance. *Signed*, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *p.* 409.]

Feb. 23.
Whitehall. **355.** Council of Trade and Plantations to Governor Codrington. We have not received any letter from you since our last of Jan. 26, so only take the opportunity of this pacquet-boat to acquaint you that the several Acts of the Leeward Islands transmitted by you (amongst which there is one concerns yourself) are under consideration, and will be soon dispatched. We are in expectation of the particular account of all affairs in your Government, which you promised to send us from Antegoa, and do not in the meantime doubt of their being in good order, and of your continued care to keep them so, which we always think it our part to recommend to you. As to your Furlow, we refer that to your other friends and correspondents, and so bid you heartily farewell. Your very loving friends, *Signed*, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *p.* 138.]

1703.
Feb. 23.
Whitehall.

356. Council of Trade and Plantations to the Earl of Nottingham. Having amongst other instructions prepared one for the Earl of Peterborow for settling the Revenue in Jamaica which is expiring, we think it absolutely necessary that the same be forthwith renewed to Coll. Handersyde and the Commander-in-Cheif of Jamaica for the time being, for which purpose we send your Lordship here inclosed a copy of the said instruction that you may please to lay it before her Majesty for her Royal Signature if your Lordships shall so think fit. *Signed*, Weymouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior.

P.S.—We pray at the same time that a duplicate may be sent to us of the private letter intended for my Lord Peterborow on this occasion, that we may transmit the same to Collonel Handersyde. *Annexed,*

356. i. The Queen to Colonel Handersyde. Whereas there was an Act past by the late Duke of Albemarle in the General Assembly of our Island of Jamaica in the year 1688 *for raising a publick Revenue to the King his heirs and successors for the support of the Government of that Island;* but upon complaints made by some Planters and Merchants of the said Island about the elections of Members for that Assembly and upon their humble petition to his late Majesty in Councill, that the said Act and all other Acts of the said Assembly might be declared null and voyd (tho' the Duke of Albemarle on the other side did by his letters alledge many things in justification of the proceeding of that Assembly), We as well as our late dear brother have hitherto out of great tenderness to our subjects there, and for quieting animosities amongst them, and putting an end to all disputes concerning the said Assembly, forborn to confirm the foresaid Acts. and expected they would thereby have been induced to lay aside their private differences, and unanimously have joyned in expressing their duty to us by passing a new Act to the same effect; But whereas they have all this while neglected to comply with the admonitions given them by the late Earl of Inchiquin and afterward by Sir William Beeston, late Governour of that Island in that behalf; and the approaching term of the Act of Revenue past in 1683, making it necessary that some resolution be speedily taken upon the foresaid Act, past by the Duke of Albemarle in 1688, You are to signify to our Councill and the General Assembly of our Island of Jamaica, that we doe think fit to allow untill the month of November next within which time they may pass and offer to us such other Act for settling our Revenue there as may be fit to receive our royal approbation; according to which we shall extend our royall confirmation of all the Acts already confirmed for the space of 21 years with the foresaid temporary Act of Revenue, but that

1703.

withall we do expressly declare, that in case they shall not within the same term comply with our expectation herein, we shall find ourselves obliged to give our royal confirmation to the aforesaid Act past in the year 1688. [*C.O.* 138, 10. *pp.* 405–408.]

Feb. 23. Whitehall. **357.** Earl of Nottingham to the Council of Trade and Plantations. Major Francis Rose being recommended to succeed in the present vacancy of a Counsellor in Jamaica, I must desire you to tell me if you have any objection to it, that I may accordingly receive her Majestie's pleasure therein. *Signed*, Nottingham. *Endorsed*, Recd. Read Feb. 23, 170$\frac{2}{3}$. 1 *p.* [*C.O.* 137, 5. *No.* 97; *and* 138, 10. *p.* 403.]

Feb. 23. Whitehall. **358.** Council of Trade and Plantations to the Earl of Nottingham. In answer to your Lordship's letter of this day concerning Major Francis Rose to fill up the present vacancy in her Majesties Councill of Jamaica, confined to the number of twelve, we inclose to your Lordship a list of such persons as have been recommended to us by former Governours, for supplying of vacancies, amongst whom we find Major Francis Rose, and have no objection against him or any other of the persons mentioned in the said list. *Signed*, Robert Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *p.* 404.]

Feb. 23. **359.** Minutes of Council of Barbados. Various salaries of gunners, etc. paid.

The Board having met this day at the request of the Assembly upon their last adjournment, sent to know if they were a House, in order to communicate to them some matters of great importance for the service of the Island, but they fail'd to meet to make a house, notwithstanding it was upon their own adjournment. [*C.O.* 31, 8. *pp.* 1–4.]

Feb. 23. **360.** Journal of Assembly of Barbados. The members present being but 14, adjourned till Tuesday next. [*C.O.* 31, 7. *p.* 36.]

Feb. 24. London. **361.** Newfoundland Merchants to the Council of Trade and Plantations. In obedience to your Lordships' commands of yesterday's date, we humbly offer that it's our opinion, that no one of our ships bound to Newfoundland will run without convoy, when they can have one, and where any have runn, it hath been to prevent the ruine of their voyage, as we have experienced that when a convoy hath been appointed to depart in March or April it hath been June or July ere the convoy hath sailed, which hath ruined the fishing voyages, and hath been a great loss to the concerned, but if a convoy may be depended on that will sail from the Downes with the first fair wind after the last of March next, and that my Lord High Admiral will be pleased forthwith to grant us protection for our men, that we may begin to fitt out our ships, we may assure your Lordships not

1703.

any ship will run without a convoy. May it please your Lordships, the convoy to saile the last of March next is for the fishing ships, and that for the sacks to saile from the Downes with the first fair wind after the last of May, and as to the ships that design with salt from Lisbon they are several, and there will be some from the Northern Channell when they shall know there's a convoy appointed. It is still our opinion, that unless those harbours of Trinity and Carboniere be fortified, or that we dispossess the French of Placentia and fortify the same, the Newfoundland trade will be lost, and unless we have protections in a few days wee shall not be able to get our ship ready. *Signed,* Solomon Merrett, Ja. Campbell, Wm. Taverner, Simon Cole, Wm. Brooke. *Endorsed.* Recd. Read Feb. 4. 170$\frac{2}{3}$. 1 *p.* *Enclosed,*

361. i. List of ships at present known to be designed for Newfoundland. Total, about 40 ships from various ports. ½ *p.* [*C.O.* 194, 2. *Nos.* 95, 95.i.; *and* 195, 3. *pp.* 166–168.]

Feb. 24. Antigua. **362.** Governor Codrington to [? *the Earl of Nottingham*]. I am at this time under so inexpressible a concern that I know not well what to write to your Lordship, or whether I ought to write at all—the verry dating of my letter from Antigua, when your Lordship might expect I should give you an account of my haveing reduced some French Island, will let your Lordship into the reason of it. 'Tis now above five weeks since the Commodore writ me from Barbados he would sayle in two or three days from thence, notwithstanding which he arrived heare but fouer days ago, aboundance of the soldiers and seamen are dead and the rest soe sickly they are scarce fit for servis, many officers, and the best as I am told, are gon of, nor could better be expected from their long stay at Barbados, where the planters think the best way to make their strangers welcome is to murther them with drinking; the tenth part of that strong liquor which will scarce warme the blood of our West Indians, who have bodies like Egyptian mummys, must certainly dispatch a new-comer to the other world; my poore Islanders which it has cost me a great deale of paines and expence to get together have been miserably crouded in little sloopes like ballast for above three weeks. I am soe little pleased with the state of things, that I would not concerne myselfe in any expedition, but that there is a necessity of landing the men to find them fresh provisions, which cannot be done but on a French Island; the badness of the sea-provisions, of which a strange account is given me, has beene the cheife reason of the sickness amongst the private men, for Barbados as well as these Islands are verry healthy. My Lord, my head and heart are soe full that I should trouble your Lordships with verry uncomfortable reflections, if I would allow myselfe to be particular. But I expect my Lord Peeterborough every day, and when he has made his inquierys he will certainly write to your Lordship with that liberty which will be better taken from him then from me. If I had had the command of the Fleet and forces at their first arrivall, when they ware above a thousand

1703.

stronger then they are now, I might have done verry important servis. I should certainly have carried Martineco, above 1,800 of theire best men being then out in privateers, which are now all called in. This is an oppertunity that we shall not probably have during the whole war agen, the most I can now pretend to is to attack Guardaloupe, and our great ships are so foule and unfit for servis without any light frigates to attend them, that even this attempt will goe on verry awkwardly and heavily. I believe, my Lord, I know what can or cannot be done in these parts better than any man liveing; my intilligence has cost me a great deale of inquiery and some hundreds of pistoles, and I can say without vanity I can lay my finger on the point and act without guessing, but 'tis to little purpose for a Commander to have his scheme in his head, if he has it not in his power to execute it. If I escape from this expedition, and H.M. shall think fit to employ me agen, I must beg leave to have the conduct of the enterprise from the beginning, one false step ruins the whole expedition; in Europe there may be roome for a back game, but here the design must be laid well and fully at first, and then vigorously executed, for delays will cost more men then the warmest actions. *Signed*, Chr. Codrington. *Endorsed*, R. June 1, 1703. 2 *pp*. [*C.O.* 7, 1. *No*. 3.]

Feb. 24. St. Jago de la Vega. **363.** Minutes of Council in Assembly of Jamaica. The Bill to invest H.M. etc. (*see Feb*. 20) was read the first time and committed. *Instructions for the Committee*: It is the unanimous opinion of this Board that it does not lye in the power of the Assembly to appoint any of the Gentlemen of this Board to be Commissioners in any Act without their consent first had and obtained; that a clause be brought in to prevent any new storehouses, taverns or market within two miles to the eastward or westward of the town. *Memorandum*, to have regard to the merchants settled on Kingston, viz. Col. Beckford, Heathcote, Nazerau and Caillard.

Feb. 25. The Governor sent a message to the House requiring the Minutes of the House the last three days. The Speaker said he would immediately order the Clerk of the Assembly to copy them out. About half an hour past 11, the Minutes not being brought, the Governor sent to know when he might expect them. The Speaker answered, the Clerk of the Assembly was writing them out with all expedition, but having been something backwards in the Entry of the Minutes, he believed it would be after dinner before it could be done, and that as soon as done, he would wait on the Governor with them.

Bills to enable Commissioners to sell lands and tenements for the payment of the debts and legacys of Sir Thomas Modyford, Bart., decd., and for confirming the last will and testament of Anthony Wood, late of Port Royall, decd., were sent up, read a first time and committed.

The Governor communicated to the Board the Minutes he had received of the three last days' proceedings of the Assembly, wherein he takes notice of the votes they had past (1) that no

1703.

officer, except Governor or Lieut.-Governor, shall be capable of holding or executing any civil Power or authority in this Island; (2) that the officers should have no money from the country; (3) that the private centinells att Port Royall be maintained there att noe more than 14s. per month in lieu of quarters, which he told the Board together with their pay could not anyway be sufficient to maintain either the officers or soldiers in this dear country. He therefore prayed the advice of the Board, what methods should be taken, that the officers and soldiers might be enabled to live and subsist themselves. The Council gave their opinion that the votes were previous to a Law to be brought in by the House, which when brought to this Board, and such amendments as the Council might think fit for the subsistence of H.M. officers and soldiers should not be agreed to by the Assembly, it might be rejected by this Board, and prayed that the Governor would be pleased to suspend his resentment in the mean time.

Feb. 26. Two Bills, sent up yesterday, were read a second time. Adjourned to 6 in the morning.

[? Feb. 27.] Met and adjourned to 3 p.m. [*C.O.* 140, 6. *pp.* 443–447.]

Feb. 24. Royal College of William and Mary. **364.** Minutes of Council of Virginia. H.E. laid before the Council letters from the President of the Council of Maryland acquainting H.E. that all the ships in that Province will be ready to sail by March 15 or 20, and that the masters petitioned for Capt. Moody to stay till that time to take them under his convoy. Several petitions to that effect laid before the Board. Advised, that it will very much conduce to H.M. service, the advancement of H.M. Revenue, the good of H.M. subjects and the safety of the said ships that Capt. Moodie stay some time longer than the time formerly appointed, in regard there are 28 Masters of ships in this Colony and the Province of Maryland, who have now petitioned and will be ready to sail in a short time, and no other convoy can suddenly be expected here; that H.E. therefore issue his orders to Capt. Moodie to stay till March 18 and take the said ships under his convoy, and that he be required to send an immediate answer, whether he will do so. H.E. acquainted the Council that if he shall refuse to stay till March 18, he did not think fit to permit any of the ships to go with him, and it is thereupon ordered that the said ships shall sail together on March 18, whether they have a convoy or not. H.E. communicated a letter which he wrote to Capt. Moodie 19th inst. requiring him to be present at this Council or that he should send his Lieutenant and his purser, and that he expected to have seen some of them here, and also that Capt. Moodie should have sent a copy of his Journal as by a former order he was directed. Ordered that Capt. Moodie be again required to send to H.E. a copy of his said Journal. H.E. declared that if Capt. Moodie's Purser shall want further credit for provisions the better to enable him to stay till the departure of the Fleet, H.E. will supply him, and ordered that notice be given to Capt. Moodie thereof. Ordered that the Collectors give notice to the ships of the time of sailing.

1703.

Letter from Capt. Moodie, Feb. 9th, read, intimating that he understood the Masters of the Merchant ships expected longer time, grounding their opinion on that part of H.E.'s order to the Naval Officers that those who could not get ready by Feb. 24th (*were*) to give H.E. notice thereof; and therefore he gives notice that he intends to sail on the day appointed, Feb. 24, there being a necessity for his so doing, by reason of want of provisions and cordage. H.E. did thereupon declare that he was very well satisfied that the orders he hath given to the Naval Officers were for H.M. service, but thought it was no concern of Capt. Moodie's to question them; that as to his want of provisions, H. E. hath already declared that he will supply him, and as for cordage, he believes he cannot suffer much more on that account for staying 18 days beyond his time, when it may bring such an advantage to H.M. Revenue and the good of her subjects.

Upon representation from the Court of King William County that at a Court held for the said County, several indictments were exhibited against Tho. Fentham, Robert Napier, James Johnson and William Baker, vizt., 5 against Fentham for forgery, and five for perjury and two against Johnson for perjury, the Court being doubtful that it might not be within their Jurisdiction (especially the forgery, for which if convicted the Party to have his ears cut off), Ordered that execution of the sentence be suspended till General Court.

Upon a petition of Nathaniel West, he was referred to take his remedy as the Law directs, the matter not lying before this Board.

Petition of Isaac Haggomon, of the County of Northampton, was remitted to the County Court.

Littlebury Epps was sworn as Deputy Collector of the Upper District of James River. [*C.O.* 5, 1409. *pp.* 279–283; *and* 5, 1412. *pp.* 34–38.]

[Feb. 25.] **365.** Petition of sundry Merchants trading to Virginia to H.R.H. the Lord High Admiral. Desire that the convoy may forthwith depart, and stay in Virginia 3 months after arrival to bring home all ships that shall then be ready. 22 Signatures. *Endorsed*, R. Feb. 25, 1702(3). *Enclosed*,

365. i. List of 32 Virginia ships at Gravesend and in the Downes ready to sail. 1 *p.* [*C.O.* 5, 1340. *Nos.* 1., 1.i.]

[? Feb. 25.] **366.** Micajah Perry to [? *the Council of Trade and Plantations*]. Desiring that H.M. picture and coat of arms may be granted for the use of the Government of Virginia as is usual, they having the picture of the late King already. *Signed*, Micajah Perry. *Endorsed*, Recd. Read Feb. 25, 170⅔. 1 *p.* [*C.O.* 5, 1313. *No.* 15.]

Feb. 25. **367.** Private Instructions for our trusty and wellbeloved Thomas Handaside, Esqr., our Lieutenant Governour and Commander in Cheif of our Island of Jamaica, or for the Commander in Cheif of the said Island for the time being. Given at our

1703.

Court at St. James the 25th day of February, 170$\frac{2}{3}$, in the first year of our reign. Whereas our most dear brother, the late King William III, upon some representations made unto him, concerning an Act past by the late Duke of Albemarle, in the General Assembly of that our Island of Jamaica, in the year 1688, intituled an Act for raising a publick Revenue to the King his heirs and successors for the support of the Government of that Island, did think fit by severall instructions, to direct Sir William Beeston, and afterwards William Selwyn, Esq., Captains General and Governor-in-Cheif of that Island to declare that in case the General Assembly could not be induced to make the said Revenue perpetual, but were willing to pass the same for the term of 21 years, or a longer term by a new Act, that then the said Governours should give their assent thereunto, and not for any shorter term, with assurance to the Councill and General Assembly of his Majesties allowing in that case and confirming all the other Acts that are soon expiring for the said term ; but in case of not complying with that gracious condescention, that his Majesty would be obliged to confirm the said Act passed by the Duke of Albemarle in the year 1688, and whereas we have directed you to signify to our Councill and the General Assembly of our said Island, that we doe think fit to allow them untill ye month of November next, within which time they may passe and offer to us, such other Acts for settling our Revenue there, as may be fit to receive our royal approbation ; we doe hereby let you know, that by such fitting Act wee doe intend (in case they cannot be induced to make the said Revenue perpetuall) a new one which shall grant the same for the terme of one and twenty years at least, but not for any shorter term ; And in case you find that they will not comply with the proposall you shall make to them of a new Act, to the effect above mentioned, you shall then by a vessell express send us an account thereof without delay, whereupon wee will immediately give our royall assent and confirmation to the said Act of Revenue passed by the Duke of Albemarle. *Signed*, Anne R. *Endorsed*, Recd. March 11, 170$\frac{2}{3}$. *Copy*. 2$\frac{1}{2}$ *pp*. [*C.O.* 137, 5. *No*. 99 ; *and* 138, 10. *pp*. 415–417.]

Feb. 25. Philadelphia. **368.** Col. Quary to the Council of Trade and Plantations. Inclosed is the copy of my last to your Lordships. This opportunity of writing was unexpected. H.E. the Governor of Virginia was pleased to send an express to acquaint me that the *Southampton* friggott was ordered to sayle for England with what ships was readey the 4th March, and in order to the security of trade was pleased to give notice to all the neighbouring provinces that so all ships that could be ready might take the benefit of the convoy. I did purpose according to promise to have sent your Lordships the particulars of the design against St. Augusteens, by the forces of South Carolina, but the sloop I sent there by reason of contrary winds is not yet returned, nor can I detaine this express longer, so must deferr that account and others. The confusion of this Government increases dayly; they have thrown of the Lower Counties, and now the Upper Counties have begun to throw of

1703.

them. The County of Bucks refuses to act by Mr. Hambleton's Commission, and so does most of the County of Chester, and the County of Philadelphia are so divided about Mr. Penn's Charters that there is now a full stop to the current of justice, the gaol of the place is crowded with murderers and felons ; it is against the principle of the Quakers to try them, so they were forced for a valuable consideration to hire two Gentlemen to be judges on this extraordinary occasion, and accordingly there was a special Commission drawne and signed by Col. Hambleton, the day for setting of the Courte fixt, the Jury summoned and all things readey at the Day, when the Courte was opened the Grand Jury was all called and unanimously refused to serve ; they gave their reasons that since the Quakers had engrossed and did exercise all the powers of Government, they should trey the criminalls too ; and not thinke to put that part of the drugery on them ; besides those empanelled on the jury told the Courte that they were not satisfied with Col. Hambleton's Commission, upon which this speciall Courte was broake up, and all the prisoners still left in goal, where they are almost starved, there being no allowance for prisoners. We live in hopes that by your Lordships' assistance Her Majesty will be graciously pleased to take this Province under her immediate protection, and so by removing those distractions restore us to the rights and privileges of good subjects in all the rest of her Governments, which will make us all easy and happy. I thought myself obliged to informe your Lordships that all the grants which were made for lands before Mr. Penn's time, the reserved rent was made payable to the Crown, but Mr. Penn of late persuades the old tennants to deliver up those grants, and gives them new ones in his own name, making the Quitt Rents payable to himself, and to others he sells the fee simple. I have enclosed copey of the old grants and coppy of Mr. Pen's grants. There is an extraordinary good correspondence between H.E. my Lord Cornbury and the Governor of Virginia, wch. I am sure will prove very much to H.M. interest and advantage, and for the benefit and interest of these Governments. I cannot get the coppey of Mr. Penn's Charters. *Signed*, Robt. Quary. *P.S.*—Just now by way of Bermodus, we have advice that the French and Spaniards from the Havana have relieved St. Augustine, they came with three men-of-war, our men that were on board the small vessell that lay before the place to blocke it up by sea, seeing the three men-of-war coming on them, immediately sett fire on all there vessell to prevent there falling into the enemies' hands, so that our forces must fight there way home by land. The account is very imperfect. The people of Carolina were in great apprehention that the men-of-warr would be with them and destroy the country before our forces could returne by land. I expect my owne sloope every hour with a more certaine account of this unwellcome news, wch. I will dispatch to yr. honors with all the speed possible. *Signed*, Robt. Quary. *Endorsed*, Recd. 4th, Read June 9, 1703. *Addressed*. 3 *pp*. *Enclosed*,

368. i. Abstract of preceding. 2½ *pp*.

1703.

368. ii. Address of the Members of the Assembly of the Lower Counties to the Council of Trade and Plantations. Philadelphia, Nov. 21. *Duplicate*, Dec. 7. *No.* v. *Endorsed*, Recd. 4th. Read June 9, 1703.

368. iii. Deposition of Walter Marten, Jan. 21, 1702(3). By virtue of a *dedimus potestatem* to me directed by Col. Hamilton to qualify by oaths and attestations the Burgesses and High Constable for the Burrow of Chester soe established by vertue of a Charter from Wm. Penn, Proprietary and Governor, I did on the first day of January meet the said Burgesses, Jasper Yeats, James Sandilands, Ralph Fishbourn, Paul Sanders, Burgesses, and Robert Barbar, High Constable, and did tender to the two first mentioned the usual oaths and declarations appointed by Law, who were willing to comply with them, but the other two Burgesses and High Constable desired some further time to consider before they would take their attest and subscribe the Declaration, aledging they understood not in the Declaration wht. was meant by the word Sacrament, upon wch. I gave them a weeke longer time, and then mett them at the town aforesaid, where after some discourse they started a further objection, saying they would not qualifye themselves nor act by attestation wth. any that took an oath, and therefore urged Yeats and Sandilands to take an attest as well as themselves, upon which they replyed that the Law wch. favoured them with an attestation was noe warrant for others who were not scrupulous to take an oath, and as they were noe way concerned in the administration, it could not affect their consciences, but seeing they might be qualified their own way, it was unreasonable to impose their form on others to whom the Law was noe security in their compliance, upon which I did qualifye the said Yeats and Sandilands by their lawful oaths, and the others absenting refused their attests. *Signed*, Walter Marten. *Endorsed as preceding.* 1 *p.*

368. iv. Copy of the old grants (*referred to in preceding letter*) by which the reserved Rent is payable to the Crown. *Signed*, William Penn, Philadelphia, 1684. *Same endorsement.* 1 *p.* [*C.O.* 5, 1262. *Nos.* 24, 24.i.–iv.; *and* (*without enclosures*) 5, 1290. *pp.* 331–336.]

Feb. 25. Whitehall. **369.** William Popple to Josiah Burchett. The Council of Trade and Plantations have considered your letter of Feb. 22. in relation to convoys for the vessells designed from hence and Portugal to Newfoundland, and have heard several Merchants of London, and some members of Parliament for the out ports concerned in that trade. Their Lordships do thereupon desire that H.R.H. may be informed that all the said Merchants and others do insist upon a convoy as absolutely necessary to them from England to Newfoundland, and declare that without such

1703.

convoy, and protections forthwith to be granted for their seamen, they cannot undertake to send out one ship, and they propose that in case H.R.H. shall think fit to appoint a convoy from hence, part of the fishing ships may rendevous at Spithead and the others at Plymouth. They likewise propose the loading of ten ships from Portugal for Newfoundland with salt; and further insist that a convoy be appointed for them.

As for the security of the fishing ships and other vessels when they shall have made their voyage (for which you say Rear Admiral Graydon has full Instructions) the same having been communicated to the foresaid merchants, they have further offered that they do no ways conceive themselves safe during the time of their fishing upon the coast without the constant attendance of the usual convoy to guard them from the attempt of an enemy, and to quiet their fears which are at present very great from the French. *Enclose* copy of their memorial and list of ships ready to sail. They say there will be many more in case they may have assurance of a convoy from hence and another from Portugal for their salt ships, as also protections for their men to be granted them in a few days, without which they say they shall not be able to get one ship ready. [*C.O.* 195, 3. *pp.* 170–172.]

Feb. 25. Crotchett Fryers. **370.** Solomon Merrett to Mr. Popple. I am very much concerned that no care will be either taken to fortifye Trinity Harbour this year in Newfoundland, as their Lordships are not sensible of the ruin of that harbour the next approaching winter, and of what salt, provisions and fish that wee are obliged to leave there every year, and as their Lordships are not sensible of the small charge that harbour may be fortified with, it wanting no stones or bricks, only a few guns and ammunition. If we have no fortification nor no ship left there, wee must expect nothing but loss etc. *Signed*, Sollomon Merrett. *Endorsed*, Recd. Read Feb. 25, 170$\frac{2}{3}$. $\frac{3}{4}$ *p.* [*C.O.* 194, 2. *No.* 96; *and* 195, 3. *pp.* 168, 169.]

Feb. 25. Whitehall. **371.** William Popple to Solomon Merrett. The Council of Trade and Plantations, upon my reading *the above* to them, desire you to lay before them the best computation you can what the charge of the Fort desired for Trinity Harbour and the defence thereof will be, and how you propose that work should be done this year; as likewise a computation of what may be the value of the salt and other effects left there in the winter, one year with another. [*C.O.* 195, 3. *p.* 170.]

Feb. 25. Whitehall. **372.** Council of Trade and Plantations to Col. Quary. We acknowledge the receipt of your letters of the 24th July and 7th December last, which we have had under consideration, and by the next oppertunity you may expect to hear further from us thereupon. In the meantime we send you here inclosed H.M. Order in Councill relating to the Courts of Judicature in Pennsylvania and the three Lower Counties, which you will

1703.

make known to the Deputy Governour and all other persons whom it may concern, that they may govern themselves accordingly. We likewise send you a copy of another Order of Councill by which Collenel Hamilton is constituted Deputy Governour for one year. Collonel Bass has acquaint you with his having received the sum of 300*l.* sterl. upon account of your services and the charges you have been at, which we represented to H.M. for you. *Signed.* Weymouth. Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen. Mat. Prior. [*C.O.* 5, 1290. *pp.* 306, 307.]

Feb. 25. Whitehall. **373.** Council of Trade and Plantations to the Earl of Nottingham. *Upon the reference*, Feb. 11, of Sir Jeffrey Jeffrey's petition, we desire your Lordship to offer to H.M. our humble opinion that the settling of such a correspondence between the Kingdom and H.M. Plantations on the Continent of America will be of great use to H.M. service in those parts, and of advantage to the Plantation Trade, especially during the war. In order thereunto, we humbly conceive it may be convenient the two ships proposed be constantly imployed in going and returning between the Isle of Wight and New York, which is near the centre of H.M.'s Plantations on that Continent. We do not conceive it fit that so long a time as desired by him be allowed for the stay of the said vessells at New York; but rather that their stay in harbour be as short as possible, not exceeding five days either there or at the Isle of Wight; it being the expedition of those voyages which makes the undertaking most usefull. And the answers of letters to New York sent by either of those packet-boats may in that manner be forthwith returned from thence: and from all H.M. other Plantations on the Continent sent thither, to lye in readyness against the arrival of the next packet-boat; which will make the course of this correspondence as regular and expeditious as is possible for two packet-boats. We humbly conceive it very necessary there be effectual protections granted for the seamen belonging to both these vessells. And we have reason to hope that since he insists upon the carrying of 50 tuns of goods in each vessell, out and home, he will abate of the price he would otherwise ask for this service. As to the charge of this undertaking we leave it to the consideration of the officers of the Navy and Post Office, who will be best able to judge of it and make the Agreement.

P.S.—Upon a fresh application from Sir Jeffrey Jeffreys we humbly offer that the first packet-boat only be permitted to stay 30 days at New York and bring away such letters as may in that time be ready, but that the stay of the following packet-boats be confined to five days and no more, as we have proposed. *Signed*, Weymouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 3 *pp.* [*C.O.* 5, 1084. *No.* 15; *and* 324, 8. *pp.* 215–218.]

Feb. 25. Whitehall. **374.** Council of Trade and Plantations to the Queen. Upon application to us in behalf of your Majesty's Plantations of

Virginia, New York and other Colonies in America under your Majesty's immediate Government, that your Majesty would be graciously pleased to order your royal picture and Arms to be sent to those Colonies for their respective Council Chambers, and Supream Courts of Justice : we humbly represent to your Majesty that such picture and Arms have been usually sent to your Majesty's Plantations by your Royall predecessors, and offer that your Majesty may be pleased to give the like directions therein. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 324, 8. *pp.* 214–215.]

Feb. 25. St. James. **375.** Order of Queen in Council, approving of preceding Representation and directing the Rt. Hon. the Earl Marshall of England and the Lord Chamberlain of H.M. Household to give the necessary directions. *Signed*, John Povey. *Endorsed*, Recd. 20th, Read March 23, 170⅔. ¾ *p.* [*C.O.* 323, 5. *No.* 5 ; *and* 324, 8. *p.* 228.]

Feb. 25. **376.** Memorial from several merchants trading to the Northern parts of America to the Council of Trade and Plantations. *Pray* that the vessels proposed by Sir J. Jeffreys may stay at New York about 30 days, in which time answers may be received to such letters as are delivered by each vessel by the same from New England, Virginia, Maryland and the parts adjacent, which will be a greater accommodation to us than we can expect by the method now practised by Mr. Dumer, by putting letters on shoare by the one vessel and receiving answers by the other, because the winds and currents are variable on that coast, so that towards the winter months, the vessels cannot sometimes get in in two or three months, and the voyage at all seasons in the year outward bound very uncertaine, whereas the passage to Berbados and Leeward Islands and Jamaica is more certain by reason of the Trade Wind. *Signed*, Micajah Perry and *fifteen* others. *Endorsed*, Recd. Read Feb. 25, 170⅔. 1 *p.* [*C.O.* 323, 5. *No.* 4.]

Feb 25. **377.** Sir Jeffrey Jeffreys to the Council of Trade and Plantations. Whereas your Lordships in your Report upon the Memoryal of Sir Jeffrey Jeffreys are pleased to represent that the packet-boats intended to be sett up at New York shall stay there but five days, the said Jeffrey Jeffreys does humbly pray that your Lordships will be pleased to consider whither it may be of more service to her Majesty and subjects that the first and second of these packett-boats may stay there thirty days, at least the first, in which time an account may be had of the state of affairs at New England, Virginia and Maryland, and the parts adjacent, which cannot be expected by the following packett under four months, and there being no ship likely to come from New York in that time, and for the following packetts such orders may be taken as your Lordships shall be pleased to direct. *Unsigned*. *Endorsed*, Recd. Read Feb. 25, 170⅔. 1 *p.* [*C.O.* 323, 5. *No.* 3 ; *and* 324, 8. *p.* 219.]

1703.
Feb. 25.
Whitehall.

378. Journal of Council of Trade and Plantations. Orders of Council, Jan. 21, read, and a letter thereupon writ to Col. Quary.

Letter to the Earl of Nottingham upon the proposal of Sir Jeffry Jeffrys signed. And Sir Jeffry afterwards laying before their Lordships a Certificate signed by several merchants that it would be for the conveniency of Trade and Correspondence, that those Packet Boats be permitted to stay 30 days at New York, together with a further Memorial desiring that the two first packet-boats may be permitted to stay there that time, a postscript was added to the said Letter to the effect that the first only may have that permission.

A letter from Mr. Merret to the Secretary and answer thereto directed.

Mr. Micajah Perry laying before the Board a Memorial about H.M. arms etc. for Virginia, a Representation was signed.

Letter to Mr. Burchet from the Secretary approved.

Circular Letter to the Mayors of the Out Ports approved.

Feb. 26. Letter to Mr. Attorney General, writ by the Secretary, was delivered to Mr. Champante that he may procure an answer.

Draught of a Charter for importing Naval Stores from New England, corrected and amended according to the resolutions of the Board thereupon, was read and ordered to be transcribed, and directions were also given for preparing a Representation wherewith to lay the same before H.M. [*C.O.* 391, 15. *pp.* 446–450; *and* 391, 97. *pp.* 165–170.]

Feb. 25. **379.** Minutes of Council of Maryland. Governor Nicholson's letter of Jan. 27 read.

Capt. Nathaniel Bostock's letter of this day's date read, requiring a storehouse, and that the Government would take care about careening H.M. *Eagle* advice-boat in May. Referred till to-morrow.

George Parker, Sheriff of Calvert County, excused from Mr. Plater's complaint.

Feb. 26. Governor Lord Cornbury's letter read, giving an account in what ill condition the Forts are there, and desiring the President to take such measures with the Council that the Quota ordered by his late Majesty be ready early in the Spring. Reply ordered to be written signifying that upon receipt of H.M.'s letter, the General Assembly have voted 300*l*., which when his Lordship shall require will be paid.

Sir Thomas Lawrence's petition read, that Col. Henry Darnall, Keeper of my Lord's (Baltimore) seal, be commanded to seal and send in certain patents kept back by him upon which fees were due to Sir Thomas. Col. Darnall was summoned, but there not being a full Council, nothing was done. Ordered that he be requested to send the Patents in by the end of March to the Secretary's Office, otherwise the Board will be obliged to joyn with H.M. Secretary in making Representation of this matter.

Capt. Bostock [*see* Feb. 25] was informed that whereas he had been credited by the Council for 100*l*. sterl. for which he had

1703.

passed his bond to H.M. Receiver, he is expected to call at Puttuxent and pass his Bills upon the Victualling Office for the said sum. He was told that there are some claims against him by private persons which he had refused to comply with, the one by the Widow Norwood and the other for a sloop, but that out of respect for H.M. Service, the President had forbid the Sheriff from arresting him.

The warrant given by the President to Capt. Bostock for impressing his complement of men was approved of.

Petition of Capt. Wm. Blaires, Commander of the *Providence*. read. Ordered that Capt. Bostock be directed not to impress any of his sailors, he having but six men and two French prisoners. Capt. Bostock said he had not yet got his complement of men, but would do his endeavour the first fair wind and weather to sayle for Virginia. The President told Capt. Bostock that his men had not discreetly behaved themselves in impressing according to the warrant, for that they had made such a noise they had given an alarum to such men as might have been had for the service, and getting drunk, had lett others go which they had taken.

Richard Beard's account referred.

Mathew Beard's petition read. Ordered that he officiate as water-bayliffe or Marshall of the Western Shore till further order.

Mrs. Ellianor Tubman's petition read and recommended to the Vestry of All Faith's Parish in St. Mary's County to allow what they think reasonable for Mr. Tubman's service, if not as Minister, yet as Reader.

Lt. Col. Holland having a claim of 6,070*lb.* tobacco from Col. John Coode, late Sheriff of St. Mary's County, 1695, ordered that Col. Coode's bond be assigned to him to be put in suit for the recovery of his demand. [*C.O.* 5, 745. *pp.* 14–19.]

Feb. 25.
Boston.

380. Minutes of Council of the Massachusetts Bay. H.E. acquainted the Council that by letters from Capt. March and Capt. Turfrey he was advised that three French Officers from Quebeck had been lately at Sagadahock and parts thereabout, and called a Council of the Indians, demanding that they should rise upon the English, which they refused to do, saying the French could not supply them, and that they had their dependance upon the English. And H.E. proposed that he would write to invite the Indians to come and plant near the English fortifications, or on some Island adjacent, and that in case the French shall make any insult upon them, we would support and cover them. He further acquainted the Council that he accounted it an affaire of great import to the quiet and safety of these Plantations, more especially at this time, to remove the French from Port Royall, and to reduce that place, the French King having appointed M. Brouillan, Governor of Plesentia, to reside there, with a particular design to hurt and annoy these Plantations and to instigate the Indians against the English; and recommended it to consideration and to be kept private.

1703.

Accounts of garrison wages *etc.* referred to a Committee.

4*l.* paid to Richard Cheever for going twice with expresses to Piscataqua.

80*l.* 5*s.* 5*d.* paid for wages to Capt. William Wormal and Company at H.M. Fort at Cascobay, April 25–July 22, 1702.

14*l.* 2*s.* 10*d.* paid for wine, candles for illuminations, and other expenses upon the arrival of the great, good and joyful news of the success of H.M. Royal Navy at Viego, and on the 6th Feb., being H.M. birthday.

50*s.* paid to Thomas Howe of Marlborough for his travail and expenses in a journey to Quabaag and charges upon several Indians by him brought down by H.E. special directions, to prevent a quarrel arising between them and the English, referring to claim of land.

5*l.* 11*s.* 9*d.* paid to Thaddeus Maccarty for his disbursements for Doctor's nursing and tendance of a French prisoner of war in his sickness of the small-pox.

5*l.* 0*s.* 10*d.* paid to Major Benjamin Davis for charges of carriage and storage etc. of 39 barrels of the public stores of gunpowder to the Castle.

Ordered that all the powder now in the storehouse of Arthur Mason be carried to the house of James Allen, and that a suitable person be appointed to look after it.

Josiah Wolcot was granted leave to erect a timber building with a 'flatt roofe on his new wharfe lately built in addition to Scarlet's Wharffe in Boston. [*C.O.* 5, 789. *pp.* 482–484.]

Feb. 26.
Philadelphia.

381. J. Moore to the Council of Trade and Plantations. Col. Quary having, whilst in England, left a memorial before that Board in relation to my service to the Crown for five years past, and soe often troubling your Lordships on that head, I only beg leave by this to remind your Lordships thereof, and to know your results, and have desired my brother to attend accordingly. *Signed*, J. Moore. *Endorsed*, Recd. Read June 18, 1703. 1 *p.* [*C.O.* 5, 1262. *No.* 25.]

Feb. 26.
Admiralty Office.

382. Josiah Burchett to William Popple. The letter which I received from you this morning by direction of the Lords of the Council for Trade, has been taken into consideration; and in answer thereunto I am commanded by H.R.H. to acquaint you that a fourth and fifth rate will be appointed to convoy the trade bound to Newfoundland in April and to call for hem at Portsmouth and Plymouth as the Merchants propose, and that two ships of like rates will be furnished in June; but in regard H.M. Order in Council directs, that no outward bound ship or vessell shall be permitted to proceed, till such time as they have furnished men for the Fleet, vizt., the one quarter part of what they are designed to saile with if cleared at the Custome House, and the one half, if not, they cannot be permitted otherwise to depart from England, unless H.M. will be pleased to give directions therein. And in regard there are many pressing services which call daily for H.M. ships, I am further to acquaint you for the information of the Lords of the Council for Trade, that H.R.H. cannott admit of the sending a convoy with the trade bound to Newfoundland from Portugal ; nor was it known all the last warr, that any such convoy was desired. *Signed*, J. Burchett. *Endorsed*, Recd. Feb. 27, Read March 1, 170$\frac{2}{3}$. 1$\frac{3}{4}$ *pp. Annexed*,

382. i. *Mem.* Upon the Representations of this Board in 1696 one convoy was appointed for the salt ships of the South Channel and another for the North Channel, to saile with those ships from hence to Portugal and from thence to Newfoundland. [*C.O.* 194, 2. *Nos.* 97, 97.i. ; *and* 195, 3. *pp.* 178, 179.]

Feb. 26. Whitehall. **383.** William Popple to the Attorney General. It having been represented to the Council of Trade and Plantations by the enclosed Memorial, that John Nanfan, late Lieut.-Governor of New York etc., has been there arrested in several actions not only in H.M. name, but also in the names of John Graves and of Roger Prideaux, and that he was under apprehension of several other actions, which would confine him to that Province, and their Lordships observing that the actions brought by Graves and Prideaux, each for 2,500*l.*, are grounded upon warrants passed by Nanfan as L.G. and with the advice of the Council, and considering that it may be requisite that the respective Governors of H.M. Plantations do, upon their being discontinued in their Governments, repair to H.M. presence to give account of their administration, they desire your opinion (1) How far the Governors of H.M. Plantations, so discontinued are lyable to be arrested and prosecuted in the said Plantations by particular persons for any commitments or proceedings which were ordered or directed by them as Governors ? (2) Whether Graves and Prideaux have just cause of action against Nanfan upon the said proceedings against them ? (3) What remedy there is for Capt. Nanfan or other Governors in such cases as above, as also for the Parties aggrieved or pretending so to be ? [*C.O.* 5, 1119. *pp.* 384, 385.]

[Feb. 26.] **384.** Petition of Jews of Jamaica to the Queen. The humble petition of Antonio Gomez Serra, Andrew Lopez and Moses de Medina in behalf of the Hebrew nation inhabiting in the Island of Jamaica, sheweth that for the better peopling and setling the Island of Jamaica, an Act passed in September, 1683, impowering the Governor for the time being to grant Patents of Naturalization to all forreigners and aliens who should settle in the Island. Under the security of the said Act, the Jews have transplanted themselves to the said Island, and have everyone of them taken out Patents of Naturalization as is directed by the said Act, tho' in the several Governments of Sir Thomas Lynch, my Lord Vaughan, my Lord Carlisle, the Duke of Albemarle and my Lord Inchiquin, it was endeavoured by some invidious persons, not friends to the publick good, to have them taxed more than their neighbours, yet none of the said Governours

1703.

could ever be prevailed upon to break through the law and their Patent of Naturalization ; but in Sir William Beeston's Government they were taxed seperatly, and considerably over and above the proportion their neighbours paid, upon which being obliged to apply for relief to his late Majesty of blessed memory, an order was transmitted to the Governor requiring him to use them gently and prevent for the future any such cause of complaint ; but notwithstanding the said Order and their Patent of Naturalization, an Act is lately passed in the Assembly intituled an Act for raising severall sums of money to discharge the publick debts and providing funds for the safeguard of the said Island, whereby towards the raising of the sum of 17,808*l.* over and above the share and proportion to be paid equally with the rest of the inhabitants, the sum of 2,500*l.* is imposed on the Jewish nation, with the penalty of 500*l.* more in case of failure of the punctual payment thereof ; which severe and unequall proceedings against the said Jews, is such a discouragement to them, that they must be forced to leave ye Island or be ruined, unless relieved by your Majesties most gracious interposition, they in the whole not exceeding eighty families, and of those not above twelve of any considerable subsistence or in a condition to contribute to the said extraordinary tax. Your petitioners therefore most humbly implore your Majesties royal interposition on their behalf, to prevent their destruction and extirpation, and that your Majesty will be graciously pleased to give such directions therein as in your princely wisdom shall seem meet for their relief. *Annexed,*

384. i. Sir Charles Hedges to the Council of Trade and Plantations. Jan. 26, Whitehall. Her Majesty having been moved upon this Petition, is graciously pleased to referr the same to the Lords Commissioners of Trade and Plantations, to examine the allegations therein contained, and to report their opinion, what may be fitly done therein, whereupon her Majesty will declare her further pleasure. *Signed,* C. Hedges. *The whole endorsed,* Recd. Read March 3, 170$\frac{3}{4}$. 1$\frac{1}{4}$ *pp.* [*C.O.* 137, 5. *Nos.* 98, 98.i. ; *and* 138, 10. *pp.* 411–414.]

Feb. 27. **385.** Minutes of Council of Jamaica. The Governor asked the opinion of the Board what should be done in relation to the privateers in regard he heard that severall of them were endeavouring to get off the Island, whether he should give them Commissions, or noe, and soe suffer them to goe and get something for themselves. The Council unanimously advised that in regard they have little or nothing to subsist on shoar, it would be better to let them goe out then that they should desert and soe be quite lost to the Island, provided the Captains give it in their security not to take into their vessels any but seafaring men.

The Receiver General's accounts were audited and entered. [*C.O.* 140, 6. *p.* 132.]

1703.
March 1.

386. Copy of Lord High Treasurer's Order for payment of incidents of the Office of the Board of Trade to Christmas, 1702. (*See* Feb. 17.) *Endorsed*, Recd. March 5, 170⅔. [*C.O.* 388, 75. *No.* 68.]

March 1.
Crotchet Friars.

387. Solomon Merrett to William Popple. I am obliged in the first place to return you thanks for laying my letter before their Lordships of the 25th February, as it is for the general good of the Newfoundland fishery, especially of the inhabitants of Trinity Bay and Bonavista. And in obedience of their Lordships' commands, signifyed in your letter to me of the same date, I have to the best of my judgement made a calculate of the charge and what else is necessary for the fortification of Trinity Harbour in Trinity Bay, humbly praying their Lordships to pardon what errors I have made in the same as I am ignorant of military affairs, but in the estimate of what effects is generally left in Trinity Bay and Bonavista one year with another, I dare presume it's little less, oftentimes more. As to the fortification, there's no need of brick and stones for the fort to be built at the west entrance of the harbour, as they have turf and pallisadoes enough in the country. And as the inhabitants will gladly work on the same that they may have a place to secure their effects in the winter time, only there must be sent a few brick or stone for a magazin for powder, which the ships from Poole will carry without any freight, and the inhabitants with assistance will compleat the fortification in six weeks or two months, I therefore propose that 30 cannon, 8 or 9 pounders, 100 barrels of powder, 100 small arms with carridges and shott and other things answerable to said gunns and small arms, be sent over with the convoy that goes for the sackes, in May, the which may amount to 2,000*l*., or one or two hundred pounds more or lesse, delivered in Newfoundland, that with these gunns, and an officer and 40 men (if a Company be thought to much) be sent, that the chief officer have power to command the inhabitants to work on the fortifications when the fishing season is over about the 20th August, and to have them under military command, on the appearance of the enemy, or on any exigent occasion. The charge of sending over, and pay, and maintenance for said soldiers I am informed will be yearly 1,400*l*. a little more or less. So that Guns etc. will be the first charge, which (powder excepted) may remain these many years without an addition of that charge, the soldiers will be a constant yearly charge and these will do more service than a man of warr, whose charge will be 8 or tenn times more, and I humbly offer that this charge will be but a trifle for to protect one third part of the fishery to Newfoundland, which brings in so great a revenue yearly and other advantages. Then Sr. as to the effects left yearly in Trinity Bay, in the harbours called Trinity Harbour, English Harbour, Salmon Cove, Hearts Ease, Hearts Content, New Parliean, Silly Cove, Hans Harbour, and Old Perlican, which are the harbours of Trinity Bay; in time of peace, there was (and may be again when they can be secure) left one year

1703.

with another about thirty three thousand pounds, which account I have from those that lived there and is computed as follows. In these harbours were kept 260 boates for fishing which with boates, cables, sailes, anchors, netts, lines, hookes, their stages and other craft for fishing thereunto belonging ashoare at fifty pounds each is 13,000*l* – –. The houses, furniture and provisions for the familys computed 100 houses with all charges at 90*l*. p. house, 9,000*l*. – –. The salt left is some yeares 5,000 hogshds., generally not less than 3,000 hogshds. at 20*s*. each—3,000*l*. – –. The fish left in these harbours hath been sometimes 20 or 30,000 quintalls, but one year with another in times of warr may be computed at least 10,000 quintalls at 10*s*. *per* quintall—5,000*l*. – –. The bread, pork, beefe, malt, pease, flower and oyle and other commodities left yearly may be vallued at least 3,000*l*. – –. Also the fortifying this Trinity Harbour will secure Bonavista by land, in which harbour are as many or more inhabitants as in three of these, the effects of which may be computed at least worth 12,000*l*. – –. So that the whole secured by this may be vallued at 45,000*l*. – –. And as there's space of ground enough on the point of land at the west entrance of Trinity Harbour, where this fortification is proposed to be built, I humbly offer its my opinion that the inhabitants be obliged to build their houses and storehouses within or near the fort as the Engineer may think fitt, which will oblige them to defend the same. Craving leave again to add that unless this be effected this year, which may easily be done in time, the trade of that part of the land which is more than ⅓ of the whole will be lost. It may be reasonably feared the French who have so great a regard to that trade will fortifye this harbour which lyes so conveniently for them. I humbly pray you to excuse what errors I may have committed herein. *Signed*, Solomon Merrett.

Sir, I pray you to favour me with a line when we may hope to have the protections for the ships, in the list gave, without which we cannot fitt out as the season comes on apace. Sir, since the above I am informed that the Council have ordered protections, provided that we procure our quota of men for the fleet as other ships are obliged to do, if this be insisted on from us, wee must give over thought of that, but I humbly hope their Lordships will represent that wee in this fishery much increase the number of sailers, as the landsmen wee yearly carry out become to be sailers in two years time by which they make much more money for wages than wee give them, so this hardship on our fishery will totally discourage us. *Endorsed*, Recd. Read March 1st, 170⅔. *Addressed. Sealed.* 2 *pp.* [*C.O.* 194, 2. *No.* 98; *and* 195, 3. *pp.* 173–177.]

March 1. Whitehall. **388.** Earl of Nottingham to the Council of Trade and Plantations. The Queen thinking it not reasonable to allow the former demands made by Sir Jeffry Jeffreys in his proposal which was transmitted to you, and whereupon you made a report, he hath now offered to H.M. another proposall, which I send

1703.

you herewith, that you may consider of it and report your opinion to H.M. *Signed*, Nottingham. *Endorsed*, Recd. Read March 2, 170⅔. 1 *p. Enclosed*,

388. i. Memorial of Sir Jeffrey Jeffreys to the Queen. Having undertaken to pay the subsistence of the four companies of soldiers in garrison at New York and Albany, and having built a ship of 180 tons mounted with fourteen guns now ready to put to sea at Cows, the *Eagle*, Capt. Davison, Commander, and having some goods aboard for the supply of said undertaking, doth propose to make two voyages thither and back to the Is. of Wight for six or seven months, in case your Majesty shall be pleased to constitute the said vessel with your Majesty's Commission in the nature of a packett-boat and protection for fourty men for said time, with liberty to take in such goods and passengers as offers upon freight, together with the advantage of the letters according to the rates settled by Mr. Dummer's packetts, to stay at New York not exceeding 30 days, and to return to the Isle of Wight, whereby an experiment may be made of settling and carrying on a correspondence for those parts during the war without charge to your Majesty. [*C.O.* 324, 8. *pp.* 220–222; *and* 323, 5. *Nos.* 7, 7.i.]

March 1.
Whitehall.

389. William Popple to Josias Burchett. In reply to your letter of Feb. 26, the Council of Trade and Plantations send enclosed copies of two letters from Mr. Bridgman relating to convoys for salt ships from Lisbon to Newfoundland, Feb. 169⁶⁄₇. Their Lordships have not yet communicated your letter to the merchants, being desirous first to understand H.R.H. further pleasure in reference to the salt ships intended this year from Portugal to Newfoundland, because they are apprehensive, from the discourses they have lately had with those merchants, lest the want thereof should disappoint this year's fishery. [*C.O.* 195, 3. *pp.* 179, 180.]

March 2.
Admiralty Office.

390. J. Burchett to William Popple. *In reply to preceding.* Before receipt thereof, H.R.H. had signed orders to the Commander in Chief of the Convoy gone to Portugal to appoint one of the ships of his squadron to see the ships and vessels well into the sea, that are bound with salt from Lisbon to Newfoundland. *Signed*, J. Burchett. *Endorsed*, Recd. Read March 3, 170⅔. *Addressed. Sealed.* ¾ *p.* [*C.O.* 194, 2. *No.* 99; *and* 195, 3. *pp.* 180, 181.]

March 1.
Whitehall.

391. Journal of Council of Trade and Plantations. Letter from Mr. Merrit, March 1, read.

Letter from the Earl of Nottingham as to Sir Jeffry Jeffrys' proposal read.

Letter from Mr. Burchet, Feb. 26, read, and the Secretary was directed to answer.

1703.

March 2. Letter from Mr. Larkin, Oct. 15, read. Enclosures laid before the Board. Letters from Mr. Larkin of Oct. 26 and Nov. 1 also read. Whereupon a letter was writ to Capt. Bennet, and another, by their Lordships' directions, by the Secretary to Mr. Larkin.

Sir Jeffry Jeffrys' proposal was taken into consideration. Directions given for preparing an answer to the Earl of Nottingham thereon.

March 3. Mr. Pereira laid a petition of the Jews of Jamaica before the Board, which was read. At his request he was granted a copy of the Jews' Memorial, 1700.

Letter from Mr. Burchet, March 2, read.

Memorial of Mr. John Roope, an inhabitant of Newfoundland, read.

Some further amendments in the draught of a charter for the importation of Naval Stores from America were made, and the draught of a report wherewith to lay the same before H.M. was agreed upon, and ordered to be transcribed. [*C.O.* 391, 16. *pp.* 1–6; *and* 391, 97. *pp.* 173–182.]

March 1. At the Flatts. **392.** Minutes of Council of Bermuda. Mr. Larkin's letter to the Lords of the Plantations, and their Lordships' answer, read. Upon an application from Mr. Larkin, offering to give security to answer in England what shall be objected against him here, it is the opinion of this Board that upon his giving good security to H.M. in 1,000*l.*, he may be discharged from his present imprisonment, and depart from thence directly on board of any vessell outwards bound into Jamaica (being the place he saies requires his attendance on H.M. service) if he shall think fit, this Board being always ready to promote H.M. service, but cannot think fit to allow his liberty of going about these Islands to pursue his former evil and dangerous practices of insinuating and amazeing H.M. subjects . . . and repeating his unparalleled example of lewdness and debauchery.

On reading H.M. Letter about a Thanksgiving to be made throughout these Islands for success at Viego, ordered accordingly, and that Robert Baron, minister, do preach a suitable sermon. [*C.O.* 40, 2. *pp.* 53, 54.]

March 1. **393.** Journal of Assembly of Jamaica. The House met and adjourned.

March 2. Thomas Cox, Thomas Bryan and Thomas Sutton not attending the service of the House, ordered that they be sent for in custody of the Messenger.

Bill for encouraging the importation of white servants was read and recommitted.

Thomas Cox and Thomas Sutton attending in custody, his excuse was approved of, and he was discharged, paying his fees.

On debating the above Bill, it was decided to raise a fund of 1,500*l.* on the additional duty for that purpose.

Gabriell Manerly was granted leave to bring in a Bill.

And see Minutes of Council in Assembly under date.

1703.
March 3. *See Minutes of Council in Assembly under date.* [*C.O.* 140, 7. *pp.* 1–3.]

March 2. **394.** Wm. Bridges to William Popple. *Enclosing* a copy of the proportion of ordnance stores sent to Barbados. *Signed,* Wm. Bridges. *Endorsed,* Recd. Read March 4, 170⅔. 1 *p.* *Enclosed,*

394. i. Ordnance stores sent to Barbados on the *Success* of London. Ordnance Office, Jan. 1702(3). *Includes* eight 24 pounders, thirty-four 12 pounders, fifteen demi-culverins, with carriages, shot, ladles etc., a train of small artillery (10 iron ordnance mounted on travelling carriages) with round and case shot etc. 3¼ *pp.* [*C.O.* 28, 6. *Nos.* 95, 95.i; *and* 29, 8. *pp.* 289–293.]

March 2. Whitehall. **395.** William Popple to George Larkin. The Council of Trade and Plantations order me to acknowledge your letters, Aug.–Nov. 1, and as they must refer the particular examination of them till your return to England, so they think themselves obliged to advise you that, wherever you come, you pay due respect to the dignity and character of H.M. Governours, and endeavour by ways of moderation and civility to make your Commission and the execution of it acceptable to them, as far as may be consistant with the being and intent of it. [*C.O.* 38, 5. *p.* 364.]

March 2. Whitehall. **396.** William Popple to Lt. Gov. Handasyde. The inclosed letters being one from the Right Honble. Mr. Secretary Hedges to Mr. Larkin, who 'tis believed may be arrived or shortly expected at Jamaica, the other writ by direction of the Lords Commissioners for Trade and Plantations, I am ordered to desire your care in the delivering them to him when there. [*C.O.* 138, 10. *p.* 410.]

March 2. Whitehall. **397.** William Popple to the President and Council of Barbados. Enclosing letter to Lt. Gov. Bennet. [*C.O.* 29, 8. *p.* 288.]

March 2. Whitehall. **398.** Council of Trade and Plantations to Lt. Gov. Bennett. Mr. Larkin in several of his letters having represented to us the hard usage he met with in Bermuda, and the very little respect which was there paid to the Commission which he brought, we referr the particular examination of his complaints to be more fully heard on his returne to England, but think ourselves obliged in the meantime to give you our opinion, that you ought not to have imprisoned a person imployed on so important a Commission, without great consideration, and for very extraordinary reasons, and that in case he had given you any cause of dissatisfaction, you should have referred the matter hither, that the Queen's pleasure might be known therein, and have behaved yourself as much as possibly you could with kindness and civility towards H.M. Officer, which moderation and conduct

1703.

we recommend to you for the future. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. March 25.—P.S. We herewith send you two letters from the Earl of Nottingham relating to the French and Spaniards upon occasion of the present warr, not doubting of your care in observing the directions thereby given you within H.M. Islands under your Government. We are expecting an account from you of what Commissions you have given out to privateers, and a copy of one of those Commissions according to what has been formerly desired, and that you be more particular in giving us accounts of all transactions within your Government. [*C.O.* 38, 5. *pp.* 362–364.]

March 2. **399.** Journal of Assembly of Barbados. Absent Members fined. Only 14 Members appearing, the House adjourned for a fortnight. [*C.O.* 31, 7. *p.* 36.]

March 2. **400.** Minutes of Council in Assembly of Jamaica. Bill to invest H.M. in land in Kingston *etc.*, sent up with amendments, read and returned with many amendments.

March 3. The Representatives desired a Conference thereupon, which was held accordingly.

March 4. A further Conference was held.

March 5. A further Conference was held. [*C.O.* 140, 6. *pp.* 447–449.]

March 3. Whitehall. **401.** Earl of Nottingham to the Council of Trade and Plantations. I send you by the Queen's command some letters which I lately received from Col. Dudley, and one from Rhode Island in America, that you may consider of the several matters contained in them and report your opinion what may be best for H.M. service to do therein. *Signed*, Nottingham. *Endorsed*, Recd. March, Read Aug. 13, 170$\frac{2}{3}$. 1 *p.* [*See Cal. A. & W.I.*, *Sept.* 17, *Oct.* 15, 20, *Nov.* 8 *and Dec.* 10, 1702.] [*C.O.* 5, 715. *No.* 11; *and* 5, 911. *p.* 126.]

Enclosures referred to in preceding:—

401. i. Abstract of following. *Endorsed*, Recd. March, Read Aug. 13, 1703. 2 *pp.*

401. ii. Governor and Company of Rhode Island to the Earl of Nottingham. General Assembly, Newport, Sept. 17, 1702. *Acknowledging* letter of May 7, 1702, in obedience to which the War has been declared in the several towns. *Endorsed*, Recd. March 170$\frac{2}{3}$. 1 *p.* *Enclosing*,

401. iii. Loyal Address of the Governor and Company of Rhode Island to the Queen. Sept. 17, 1702. Congratulate H.M. succession. *Endorsed as preceding.* 1 *p.*

401. iv. Address of the Governor and Company of Rhode Island to the Queen. Sept. 29, 1702. Our fathers through excessive labour and travell, hasard and charge did transport themselves out of there native land into these remote parts, where having made a considerable settlement and improvements in your Majesty's province of the Massachusetts Bay, but differing something in

their apprehensions in religious concernments, was sorely persecuted there, some of them was banished amongst the barbarous heathen, in the extremity of winter, others not being able to bare the great Oppression that was imposed upon them, did once again leave their desirable stations and habitations and with excessive labours and travel, hassard and charge did transplant themselves into the midst of the Indian natives, where, by the good providence of God upon their labours and industry, they were preserved to admiration, and by consent and lawful purchase from the Indian Princes did settle themselves in this Colony. *Quote* Charter of Charles II. In accordance with the powers so granted, we did, since the Declaration of War, fit out a privateer of 12 guns which has returned after two months with three ships laden with dried fish taken from the French near the mouth of Canada River. *Refer to* the visit of Governor Dudley and his Commission as Capt. General and Vice-Admiral of this Colony etc. [*See Cal.* 1702], and pray to be heard before H.M. in Council. 3¾ *pp.*

401. v. Copy of Captain William Wanton's Commission to command a privateer, July 6, 1702. *Signed,* Sam Cranston, Gov. 1 *p.*

401. vi. Copy of Capt. Wanton's Instructions for commanding a privateer. July 6, 1702. 1½ *pp.*

401. vii. Copy of Capt. Wanton's Bond for 1,000*l.*, given for his commanding a privateer. July 6, 1702. *Signed,* William Wanton, Isaac Martingale, John Scott. 1 *p.* [*C.O.* 5, 1262. *Nos.* 26, 26.i.–vi.]

March 3. **402.** Letters from the Mayors of Bristol, Biddiford, Barnstable, Fowey, Plymouth, Dartmouth, Exon, Weymouth, Poole, in answer to enquiry of Feb. 25. *q.v. and March* 12.
The whole endorsed Recd. March 5 and 8, Read 9th March, 170⅔. *In all,* 10 *pp.* [*C.O.* 194, 2. *Nos.* 101, 106, 106.i., 107, 108.]

[March 3.] **403.** John Roope to the Council of Trade and Plantations. Whereas several of the Merchants concerned in the Newfoundland trade did on this day attend the Councill of H.R.H. the Lord High Admiral to know what convoy they should have for their fishing and salt ships that are fitting out for that country, the said Councill did then declare unto them that they had ordered four ships of warr vizt., two to go with fishing ships to sayle on the 1st of April next, and the other two some time in May to convoy the sacks, and had also ordered a ship of warr that is now in Lisbon to sayle with what ships are ready there and bound to Newland and convoy them 150 leagues to the westward and then leave them. But on remonstrance that there was great danger on the coast of Newfoundland, it is thus altered that one of the ships of warr that were ordered to sayle in May, should sayle with all expedition from hence to Portugall and take all the ships that are bound from hence to those parts with him, and so with all convenient speed convoy both them, and those that are already at Lisbon to Newfoundland; but their Honours at the same time informed them that they could not grant protections either to their fishing or salt ships unless they surrendered halfe of their men unto the Queen's Service, which is the greatest of hardships on them, and indeed in a manner impossible for them to comply with, for the time of the year is so farr spent that they have not time, if there were men left in the fishing towns, for them so to do, which in truth they are not, most of the young and able men being already listed in H.M.'s Service, and the Newland trade wholly depending on men's labour, to deny them men is tacitly to prohibitt the Trade, which your Honours are highly sensible is of the greatest importance. Tis therefore humbly desired that your Lordships will as much as in you lyeth second the petition which the said Merchants intend to-morrow to present to the Queen and Councill on that subject. *Signed*, For the rest John Roope. [*C.O.* 194, 2. *No.* 100; *and* 195, 3. *pp.* 181–183.]

March 4. **404.** Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order in Councill upon the Petition of Sir Matthew Dudley and others, praying that they may be incorporated for the importation of naval stores from New England, we have considered their said Petition together with several Memorials which they laid before us upon that subject; and having likewise heard not only the said petitioners, but several merchants opposing that design, as prejudicial to their trade, and others desiring that the determination thereon may be suspended untill the matter have been communicated to the Government of the Massachusetts Bay in New England; we humbly take leave to represent to yr. Majesty. In order whereunto we have had under our consideration the draught of a Charter, as first prepared and desired by the petitioners, and have inserted such amendments, restrictions and provisions therein as seemed necessary for the publick service, (to the greatest part whereof the petitioners also have declared their willingness to agree), which draught we humbly lay before your Majesty, and take leave to add the following abstract thereof. The design of this draught being to incorporate the persons to be therein named, and their successors, for the importing of naval stores from your Majesty's Plantations, with such powers as are usually granted to Companies in like cases, for the enabling them to act as a body corporate, and for ye constituting and electing of their officers, and the orderly management of their joynt concerns, the names of persons and the times to be appointed are left in blank to be filled up as shall be judged convenient whenever the same may come to receive yr. Majesty's final approbation. The principal conditions, provisoes and restrictions therein mentioned are, that they shall have liberty to purchase and enjoy lands, in England and America, not exceeding the yearly value of 5,000*l.* p. annum, as likewise to alienate and dispose of the same; that the stock to be subscribed or raised by them for the carrying

1703.

on of their undertaking shall not exceed the summ of 150,000*l.* sterl, vizt. 100,000*l.* in England and 50,000*l.* in America. That their Corporation shall not be exclusive of any other persons from trading in the same commodities. That within two years after the date of their Patent they shall import into this kingdome from your Majesty's Plantations (the dangers of the seas excepted) two ships laden with masts, yards and bowsprits, each of which ships to be of 300 tunns burthen at the least. And every year afterwards four ships of the like or greater burthen. That within three years after the date of their Patent, they shall in like manner import into this kingdome 500 tunns of tar, pitch and rosin, and 500 tunns of hemp; and from thenceforwards, yearly and every year, 600 tunns of tar, pitch and rosin, and 1,000 tunns of hemp or greater quantities. That they shall not transport any sorts of naval stores from America to any other country or place whatsoever than to this kingdome or other your Majesties dominions. And for the preventing as much as possible the pernicious trade of stock jobbing, we have inserted a clause—That in case any of the members of this Company (except Executors and Administrators in right of their executorships and administratorships only) shall at any time within five years, from the date of their Patent sell, alienate or transfer their share or interest in the joynt stock or any part thereof, unto any other person or persons than such as are members of the said Company, all and every such part or share of the said stock so alienated, shall from the time of such alienation become forfeited, one fourth part to your Majesty, another fourth part to the informer, and the remaining moiety to the said Corporation. We have likewise inserted severall other clauses and provisions against the making a trade of buying and selling of shares. And have further provided that in case the Governor and Company to be thus constituted shall not within six months after the date of their Patent set about the said undertaking, and put the same in practice according to the tenour and intent of the said Patent; or in case they shall not import the aforesaid quantities of naval stores within the times limmitted; or if they shall misuse the powers granted unto them, so as to make the same grievous to any of yr. Majesty's subjects, or prejudicial to the rest of the traders or inhabitants in New England or other Plantations; then upon an order or declaration of your Majesty's pleasure thereupon in Councill, the Letters Patents, which may have been granted with them, shall at the end of eighteen months next insuing such orders or declaration in Councill, become voyd. Which draught of a Charter is herewith most humbly submitted. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

404. i. Draught of a Charter referred to in foregoing. [*C.O.* 5, 910. *pp.* 404–442.]

March 4. St. James's. **405.** Order of Queen in Council. Upon above Representation, referring it to H.M. Attorney General to consider the Representation and Charter, for his opinion as to the legal part of the said

Charter. *Signed*, John Povey. *Endorsed*, Recd. Read April 5, 1703. ¾ *p.* [*C.O.* 5, 863. *No.* 12; *and* 5, 910. *p.* 444.]

March 4. St. James's. **406.** Order of Queen in Council. Referring preceding Representation to H.R.H. the Lord High Admiral, who is desired to report to this Board what he conceives fitt for H.M. to do therein, or for the better producing of Naval Stores from the Plantations in America. *Signed*, John Povey. ¾ *p.* [*C.O.* 5, 863. *No.* 13; *and* 5, 910. *p.* 445.]

March 4. Whitehall. **407.** Council of Trade and Plantations to the Queen. The General Assembly of your Majesty's Leeward Charibbée Islands, having lately passed an Act entituled, *An Act for the securing the payment of twelve hundred pound sterling for the ends therein set down*, the intent whereof is, that the said 1,200*l.* be employed by the direction of Coll. Codrington, yr. M's. Governour of those Islands, for buying Plate to be presented to him, as a testimony of their respect, which they humbly desire yr. M. would be pleased to permit; the said Governour by the constitution of that Government being not allowed to receive presents of this kind without yr. M's leave first obtained, and in consideration that his salary of 700*l.* per annum is not proportionable to his necessary expenses in the Government, and in regard also of the late services performed by him in reducing of St. Christophers, we humbly offer that yr. M. be graciously pleased to permit him to receive the present before mentioned. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 139, 140.]

March 4. St. James's. **408.** Order of Queen in Council. Approving preceding Representation and ordering accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read March 23, 170⅔. ¾ *p.* [*C.O.* 152, 5. *No.* 17; *and* 153, 8. *p.* 156.]

March 4. St. James's. **409.** Order of Queen in Council. Upon reading above representation, ordered that the Lords Commissioners of Trade and Plantations do lay before H.M. at this Board an account of the salaries that now are or may be properly assigned to the respective Governors in the Plantations in order to the hindring such Governors from receiving presents from the Assemblys for the future. *Signed*, John Povey. *Endorsed*, Recd. Read March 8, 170⅔. ¾ *p.* [*C.O.* 323, 5. *No.* 8; *and* 324, 8. *pp.* 224, 225.]

March 4. Whitehall. **410.** Council of Trade and Plantations to the Earl of Nottingham. In pursuance of your Lordship's letter of the 1st instant, we have considered a second proposall offered by Sir Jeffrey Jeffreys for an experiment of a vessell to make two voyages to New York for settling a correspondence with the Continent of America, by which the said Sir Jeffrey Jeffreys desires that his vessell may be made a packett-boat and have a protection for forty men during the two voyages, to be performed in six or seaven months; that his vessell may stay thirty

1703.

days at New York, and take in upon freight such goods and passengers as offer out and home, without any limitation, and that for this undertaking he may have the advantage of the postage of all letters to be sent and returned by the said vessell. Upon which we humbly offer that these priviledges will be of benefit to the said Jeffrey Jeffreys, by the preference given him in the course of his trade, but of no advantage to the publick; for that the unlimited taking in of what goods he thinks fit will too much retard the sailing of his ship, and the thirty days stay at New York will frustrate the dispatch which is chiefly designed by the setting up of packet-boats for the West Indies. This vessell in the manner now proposed being no more usefull for the conveyance of letters to and from those parts than any other ship trading to New York, or other part of the Continent; whereas in the case of his staying five days at New York and not carrying above fifty tunns of goods as mentioned by us in our first report, the intent of a quick correspondence was better answered and might have been carryed on with little charge; so that upon the whole matter, we are humbly of opinion that this last proposall will noways contribute to H.M.'s service or the benefit of the Plantation Trade. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. 2 *pp.* [*C.O.* 5, 1084. *No.* 16; *and* 324, 8. *pp.* 222–224.]

March 4. **411.** Journal of Council of Trade and Plantations. A Representation upon the draught of a Charter for the importation of Naval Stores from America was signed, and together with the said draught sent to the Council Board.

Report upon an Act of the Leeward Islands signed and sent to the Council Board.

Letter to the Earl of Nottingham in answer to his of the 1st, signed and sent.

Letter from Mr. Bridges, Surveyor of the Ordnance, enclosing a proportion of Naval Stores sent to Barbados, read and ordered to be entered.

Order in Council, Jan. 7, upon the petition of Mr. Lee, was again taken into consideration, and directions given for preparing a report.

March 5. Memorial from Mr. Thomas Byerley read. He was told there was no vacancy in the Council at New York, but that their Lordships would offer to H.M. that the Lord Cornbury may be directed to admit him upon the first vacancy.

Representation upon the memorial of Robert Lee signed.

Order of Council, Feb. 11, disallowing an Act of New York, read.

Several letters and papers from Lord Cornbury, dated in December, were laid before the Board. The first being read, the Address therein mentioned was sent in a letter from the Board to the Earl of Nottingham. Ordered that a Representation be prepared wherewith to lay before H.M. an Act for granting Lord Cornbury 2,000*l*.

Ordered that a copy of Mr. Champante's Memorial relating to Capt. Nanfan be sent to Mr. Thrale, and that Thrale and

Capt. Matthews on the one side, together with Mr. Champante and Mr. Taylor on the other, have notice to attend this Board on Wednesday. [*C.O.* 391. 16. *pp.* 7–13; *and* 391, 97. *pp.* 185–193.]

March 4. **412.** Journal of Assembly of Jamaica. *See Minutes of Council in Assembly under date.* The Committee of the Conference upon the Bill to invest H.M. in lands reported that the Committee had met, and upon debate on the amendment relating to Elias Nazeran, it was voted that his lot and that of other gentlemen mentioned in the amendment from the Council should be confirmed to them, they paying 10*l.* each parish for the use of the parish.

Committee appointed to inquire into the proceedings of Justices and Vestries of Port Royal in laying on their taxes by the Acts of the last Assembly; the persons appointed to assess the Jewish nation to give an account to the Committee of the several persons by them taxed and assessed and in what sums.

March 5. Capt. Thomas Freeman absenting himself from the service of the House, he was sent for by the Speaker's warrant.

Resolved, that the House adhere to theire own Bill as to the sufferers of Port Royal being exempted from taxes.

Bill for encouraging the importation of servants was recommitted.

Bill for quartering the soldiers was read and committed.

See Minutes of Council in Assembly under date.

Bill to enable the Justices of St. George's *etc.* was read the third time and passed.

March 6. The Committee of the Conference reported that upon debate about the Commissioners mentioned in the Act [*? for settling Kingston*], the Committee of this House adhered to their Commissioners, which the Gentlemen of the Council seemed to resent as being impracticable and unreasonable for the Gentlemen who are against the body of the Act to be nominated Commissioners therein. And as to the exemption of the people of Kingston from taxes for seven years, the Gentlemen of the Council insisted mightily that it should be general, to prevent distinctions and animosities, which the contrary would of necessity occasion, and they declared they should never consent to the passing of the Act on any other terms. As to the clause concerning the filling up the swamp *etc.*, the penalty therein laid on the Justices they thought very unreasonable, it being a very voluntary offer and proposal of their own, but that a penalty ought to be laid on the persons neglecting or refusing to comply with the orders of the Justices and Vestries. It was agreed that all the houses built at Kingston after Jan. 9 last should be free from taxes for seven years; that the penalty should not be laid on the Justices; that the Commissioners should stand as they are.

Ordered that a Bill be brought in to encourage building and settling in the parish of St. Katherine. [*C.O.* 140, 7. *pp.* 3–8.]

March 4. **413.** Minutes of Council of the Massachusetts Bay.
Boston. 326*l.* 10*s.* 8*d.* paid to the Hon. Col. Thomas Povey on account of the soldiers lately dismissed from H.M. Castle; and 426*l.* 14*s.* 8*d.* on account of the standing garrison.

1703.

12*l.* 15*s.* 3*d.* paid to Lieut. Nathaniel Holmes for several utensils purchased by him on account of the garrison.

Whereas the Great and General Court or Assembly are appointed to convene in Boston upon the 10th currant, several of the Members whereof probably may not have had the small-pox, and that distemper having lately been spread through the town, ordered that effectual care be taken by two Justices of the Peace and the Select Men of the said town to give notice by the Constables to the heads of familys, where that distemper has been, forthwith to cleanse and aire their houses, and to burn some tarr therein to prevent infection.

March 5. H.E. communicated to the Council letters received this morning by an express from Lt.-Gov. Partridge, advising that the Scouts from Dover on the third inst. made a discovery of a number of Indians supposed to be enemies. H.E. proposed to send out Capt. Somerby of Newbury with a party of the troop under his command as far as Dover and parts adjacent to make a further discovery. And also to raise a foot company of fifty or sixty men of the Militia in the Middle Regiment within the County of Essex for the enforceing and strengthening of the Eastern parts of this Province. Advised, that John Foster and Andrew Belcher do restore the moneys, sometime since put into their hands to be employed for the redemption of captives from Salley, unto the several persons and places from whom they received it, there being no occasion of using it for that service. H.M. having effected a general redemption of all the English captives there.

Upon reading the petition of James Bull, late captive in Macconess, setting forth the extraordinary hardships he endured there, by the space of eight years and two months, and wasted that little estate he had, and praying that inasmuch as there is a general delivery of all the English captives from thence, the remainder of the money remitted to Mr. John Ive for his redemption and releife, and now in his hands, may be bestowed upon him, advised, that Samuel Sewall, who was to be trusted in that affair, do give order to Mr. John Ive to deliver the remainder of the money in his hands aforesaid free of all charge to James Bull.

Accompt of Col. Daniel Peirse, for provisions sent for trade and supply of the Eastern Indians, committed. [*C.O.* 5, 789. *pp.* 489, 490.]

March 4.
Portsmouth.
414. Minutes of Council of New Hampshire. Ordered that Proclamations be sent to all the Towns of this Province for prorogueing the Assembly till April 13. [*C.O.* 5, 789. *p.* 142.]

March 5.
Whitehall.
415. Council of Trade and Plantations to the Earl of Nottingham. Enclosing Addresses from New York received in Lord Cornbury's letter [*? Dec.* 10, 1702] to be laid before the Queen. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt. [*C.O.* 5, 1119. *p.* 400.]

1703.
March 5.
Whitehall
(*entered*
Feb. 5).

416. Council of Trade and Plantations to the Queen. *Report upon* Order in Council, Jan. 7, and previous reports upon the matter, Aug., 1689, May, 1691 (*q.v.*), by which the right of the Earl of Sterling and his executors to the arrears of the annuity is acknowledged, but the compensation desired by them not thought fit to be granted. "We are humbly of the like opinion, viz., that the propriety of Long Island having been many years by legal grants in the quiet possession of other private owners, and under your Majesty's immediate Government, we do not conceive it advisable for your Majesty to permit it to be separated from the Crown; but it appearing to us that the younger children of the said Earl have a right to a compensation for the said debt, we do humbly recommend them as worthy of your Majesty's gracious consideration and bounty." *Signed.* Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 388, 389.]

[March 5.]

417. Thomas Byerley to the Council of Trade and Plantations. Whereas H.M. has been gratiously pleased to appoint Thomas Byerley Receiver and Collector of her Revenues in New York, it having always been thought necessary for H.M. service that the person discharging the said office should assist and be present in all Assemblys and Councils held for the preservation and management of the said Government and the Revenue thereunto belonging, *submits* that he should be vested in the like Commission. *Signed.* Thomas Byerley. *Endorsed*, Recd. Read March 5, 170⅔. 1 *p.* [*C.O.* 5. 1048. *No.* 35.]

March 5.
Plymouth.

418. George and John Lapthorne to William Popple. Receipt for letters for Barbadoes and Jamaica. *Signed.* George and John Lapthorne. *Endorsed.* Recd. 8th. Read March 9, 170⅔. ½ *p.* [*C.O.* 323, 5. *No.* 9.]

March 8.

419. Opinion of the Attorney General upon actions brought by Col. Bayard and Mr. Hutchins against their Judges and Grand Jury. *Query*, whether Bayard and Hutchins, standing yet attainted, can have any such right of action, and whether they could have brought such actions had their attainders been actually reversed. *Opinion*:—The actions ought not to have been brought either against the Judges or the Grand Jury, and the same will not lye against them, for what they did as Judge or Jury. Besides, a person attainted cannot sue, nor in this case will any action lye after the attainder is reversed. *Signed*, Edwd. Northey. *Endorsed*, Recd. from Mr. Champante. Recd. Read March 23, 170⅔. ¾ *p.* [*C.O.* 5. 1048. *No.* 47; *and* 5, 1119. *pp.* 439, 440.]

[March 8.]

420. Governor Seymour to the Council of Trade and Plantations. Petition for allowance for transport to Maryland, adducing precedents of amounts allowed to Governors of Plantations. *Signed*, Jo. Seymour. *Endorsed*, Recd. Read March 8, 170⅔. 1 *p.* *Annexed*,

1703.

420. i.–v. Precedents of allowance of transport to Governors of Plantations. 4 *pp.* [*C.O.* 5, 715. *Nos.* 73, 73.i.–v.; *and* (*without enclosure*) 5, 726. *p.* 175.]

March 8. **421.** Mr. Pereyra to the Council of Trade and Plantations. Memorial in behalf of the Jews in Jamaica, praying that they may not be taxed more than any other nation. They were taxed in the manner as the other inhabitants until Sir William Beeston's time, when some merchants conceiving a jealousy that they sold their merchandize cheaper than they would afford them, prevailed on the Government to tax them in an extraordinary manner, hoping thereby to oblige them to quit the Island and their settlements, and then to oblige the Planters and other inhabitants to purchase their merchandize at such rates as they should think fit to impose. The Jews before the present war by their industry and interest had procured the Assiento of Negroes to be established at Jamaica, which very much promoted the trade between the said Island and the Spanish West Indies to the great profit of England. Whereas it is objected against the Jews that the meaner sort of them buy anything from the negroes, which encourages them to steal from their masters, it is humbly conceived that if the fact was true, and they alone were the buyers, an Act would have been made to punish the offenders. *Presented by* Ishack Pereyra. *Endorsed*, Recd. Read March 8, 170⅔. 1 *p.* [*C.O.* 137, 5. *No.* 100.]

March 8. Whitehall. **422.** Journal of Council of Trade and Plantations. Order of Council, March 4, read.

Col. Seymour, appointed Governor of Maryland, laid before the Board a Memorial relating to the charge of his transportation *etc.*, and desired extracts of what may be in this office upon the allowances to other Governors. Ordered accordingly.

Mr. Perera laid before the Board a Memorial relating to the Jews in Jamaica. Report ordered to be prepared that an Instruction may be given to the Governor of Jamaica for that purpose.

The remaining letters and papers received from Lord Cornbury read. And upon a passage in that of Dec. 12, directions were given for sending some part which relates to the cloathing of the soldiers to Mr. Champante for his answer *etc.* Upon another passage, letter to Mr. Lowndes ordered.

March 9. Letter to the Earl of Nottingham relating to Mr. Byerly's being constituted a Member of the Council of New York signed.

Letters from the several Mayors of the Out-Ports laid before the Board, and the accounts of ships bound thither.

Letter from Messrs. Lapthorne read.

Their Lordships took into consideration the Acts past at the Assembly of New York, Nov. 27 last, and thereon made the following remarks:—Act 14, relating to the Revenue, being but for three years from the expiration of the former, the Lord Cornbury should have endeavoured to have got it for a longer time. The 1st, 2nd, 6th, 7th, 8th, 12th and 15th, all of

1703.

them being temporary, his Lordship ought to take care that such of them as were intended only as probationary be not re-enacted otherwise than according to the directions contained in his Instructions. Further, upon the 7th, which relates to the Militia, *mem.* to write to Lord Cornbury to send copy of the Articles of War.

The third is for a present of 2,000*l.* to Lord Cornbury, which is to be represented, so that he may have H.M. leave to receive it. The 4th, 5th, 9th, 11th Acts are without exception. The 10th, relating to the repeal of several former Acts, their Lordships directed the particular subject and circumstances of each be looked into, in order to their considering how such of them as are fit to be repealed may be particularly disallowed by the Queen without confirming this Act of Assembly for so general a repeal, which is not only an improper method, but contains also unfit expressions (as *obliterating, deleting, etc.*) which ought not to be done, because it is a destroying of a Record that may probably be useful in some occasions, and ought to be preserved. Upon the 13th Act, relating to a Post Office, ordered that a copy be sent to the Post-Master General for his observations thereupon. Upon the whole, Memorandum to desire his Lordship hereafter to send all Acts separate under distinct seals.

Their Lordships took again into consideration the draught of a representation upon the general state of the Province of New York, which was some time since begun, and gave directions for a further proceeding to be made therein. Upon his Lordship's letter of Sept. 27, ordered that the Secretary acquaint Mr. Weaver that he complains of his having carried away the books belonging to his office, and desire his answer thereunto.

March 10. Mr. Cary presented to the Board the copy of an Address of the Assembly of St. Christopher's to Col. Codrington, with a copy of an Act of that Island, entituled an Act providing fifty slaves to be presented to H.E., in order to begin a settlement here, which were read, but the said Act not being under the seal of the Island, their Lordships thought not fit at present to take any resolution thereupon.

Mr. Champante with Mr. Taylor on one side, and Mr. Thrale with Capt. Matthews on the other attending according to appointment, the latter laid some papers before the Board, copies whereof were given to Mr. Champante. Further, after some disputes between the parties about the state of those accounts to be laid before them of what money will be saved by the respitts from the time that Capt. Nanfan begun to pay the Companies their subsistence to May 9, 1702, supposing the full subsistence paid to him till that time; and directed copies of this Minute to be given [*sic*] to Mr. Champante and to Capt. Matthews. The said parties were further advised to meet amicably and endeavour to adjust the Lady Bellomont's accounts. [*C.O.* 391, 16. *pp.* 13–21; *and* 391, 97. *pp.* 197–207.]

March 9. Whitehall. **423.** William Popple to William Lowndes. The Lords Commissioners for Trade and Plantations having received an

1703.

answer from the Lord Cornbury to what they had writ him concerning the drawing of Bills from New York, send you enclosed extract of his letter for the information of the Rt. Hon. the Lord High Treasurer. [*C.O.* 5, 1119. *pp.* 414, 415.]

March 9. Whitehall. **424.** William Popple to John Champante. The Council of Trade and Plantations send you the enclosed extracts of a letter from Lord Cornbury relating to the cloathing for the soldiers at New York which you last sent thither, and to desire your answer thereunto, together with a particular invoice and estimate of that cloathing. The meeting appointed for to-morrow is intended by their Lordships not only for the examination of the Countess of Bellomont's account, but also of Captain Nanfan's. [*C.O.* 5, 1119. *pp.* 413, 414.]

March 9. Whitehall. **425.** William Popple to Sir Robert Cotton and Sir Thomas Frankland, Postmasters General. The Council of Trade and Plantations send you enclosed copy of an Act lately passed in the General Assembly of New York for inforcing and continuing a former Act for incouraging a Post Office in that Province, and to desire you to consider the same, and give them your observations thereupon, with what speed you can, in order to their laying the said Act before H.M. [*C.O.* 5, 1119. *pp.* 412, 413.]

March 9. Whitehall. **426.** Council of Trade and Plantations to the Earl of Nottingham. H.M. having been lately pleased to appoint Thomas Byerly to be Receiver and Collector of her Revenues in the Province of New York, and he having desired us to move that he may be constituted a Member of H.M. Council there, as his predecessors in that office have been, which we find accordingly to be true and do conceive the same method very fit to be continued, but there being at present no vacancy in that Council, we take leave to offer that your Lordship would be pleased to move H.M. that the Lord Cornbury, Governor of that Province, may be directed to admit Byerly a Member of H.M. said Council on the first vacancy that shall happen; which we humbly propose may be done by H.M. under her royal sign manual. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 415, 416.]

March 9. Admiralty Office. **427.** H.R.H. the Lord High Admiral to the Queen. In pursuance of H.M. Order in Council of the 4th inst., on the petition of several merchants and masters of ships on this side of Gravesend, humbly praying that their ships therein mentioned being fitted out with provisions etc. for Virginia, may have leave to pass Gravesend and proceed to the Downs, to join the convoy, by which means they hope to be the better enabled to comply with H.M. order, that all ships on this side of Gravesend should deliver one half of their men into H.M. Fleet; I offer it as my opinion that they ought not to be permitted to proceed on their aforesaid voyage without first delivering their men according to the late Order in Council, for that it will not only be a great

1703.

hardship on those who have already furnished H.M. ships with their proportions of men, and encourage others who are under the same circumstance to make the like application, but possibly defeat H.M. intentions in the aforesaid Order in Council. *Signed*, George. 1½ *pp.* [*S.P. Naval*, 7. *under date.*]

March 9. **428.** Journal of Assembly of Jamaica. Col. Francis Rose was granted leave of absence.

Capt. Thomas Freeman attending (*see March* 5), ordered that he withdraw in custody of the Messenger, and that he be heard at another time.

March 10. Bill to confirm the will of John Thomas read the first time and committed.

Ordered that Dr. Samuel Mayo be summoned to attend the Committee appointed to examine the Bill for making good the will of Anne Archer.

Bill for settling the estate of George Read, decd., was read and past the first and second time.

Capt. Freeman, offering his excuses, was discharged, paying his fees.

Bill for quartering the soldiers was read first time and passed. [*C.O.* 140, 7. *pp.* 8-10.]

[March 10.] **429.** Capt. Mathew's objections to Mr. Champante's Accounts. *Signed*, Peter Mathews. *Endorsed*, Recd. from Mr. Thrale and Capt. Mathews. Recd. Read March 10, 170⅔. 1¼ *pp.* [*C.O.* 5, 1048. *No.* 37.]

[March 10.] **430.** An Account of Money paid to the Earl of Bellomont and Mr. Champante by the Earl of Ranelagh. ¾ *p.* *Endorsed*, Recd. from Mr. Thrale and Capt. Matthews. Recd. Read March 10, 170⅔. ¾ *p.* [*C.O.* 5, 1048. *No.* 38.]

[March 10.] **431.** Abstract and State of the Respits of the Four Companies at New York. March 26, 1699–Dec. 24, 1702, with a comparison between the Establishment and the surplus number of men kept up by the Captains. *Endorsed as preceding.* 3 *pp.* [*C.O.* 5, 1048. *No.* 39.]

March 10. Boston. **432.** Minutes of Council of the Massachusetts Bay. H.E. communicated to the Council a letter from Governor Winthrop of Connecticot, signifying that pursuant to H.E.'s direction for the better security of coasting vessels from those parts bound to Boston with provisions, he had ordered them to make up a fleet at New London, and to be in readiness to attend a convoy by the last of this present month, and so by the last of the following months successively, desiring to be ascertained of the coming of the convoy, by the time set. He also communicated a letter from Lt.-Gov. Partridge concerning the Indians lately seen in the woods near Dover, some of whom had been in at

1703.

Cochecha, but were gone; he having directed Mr. Waldron to write a more particular accompt of them and their behaviour; and therefore thought it necessary to hear further before he dismist the company of souldiers newly raysed within the County of Essex, but should quarter them out for two or three days.

H.E. further acquainted the Council of the discourse he had yesterday at Cambridge with Watanuman, one of the Pennicooke Sachems, and that he had set him a line for him and his men in their hunting, and directed that they come to the Tradeing-house near Wataanuck for their supplys, and not to come to any of the English towns or settlements; that he should give speedy notice of any French or French Indians that should come to debauch them, and not entertain them; that he should forthwith speak to George Tohanto, the other Sachem, and direct him to wait on H.E. All which he promised carefully to observe and perform.

March 11. The General Assembly being then setting, H.E. acquainted the Council that he appointed a General Council to meet upon Thursday, March 18, for the nomination of civil officers.

March 12. H.E. acquainted the Council that he had a matter to open to them, which he expected their secrecy in, on their oaths as Councillours. And then recited the proceeding of the last Court of General Sessions of the Peace held at Charlestown within the County of Middlesex in dismissing of Timothy Phillips, late Sheriffe of the said County, without a trial, being bound over to answer what should be objected against him on H.M. behalfe, particularly for seditious and threatening words against the life of H.M. Governour of this Province, which the said Phillips reported to have been uttered [*sic*], as contained in his recognisance and the evidences, which were read. And then [*H.E.*] askt the advice of the Council, who are of opinion that the Justices of the said Court have neglected their duty in dismissing of the said Phillips, and advised that the said Justices do convent Phillips before them and bind him over to the next Superior Court of Judicature and Assize to be holden within the said County to answer what shall be objected against him relating to the said words. [*C.O.* 5, 789. *pp.* 490, 491.]

March 10. Boston. **433.** Minutes of Council in Assembly of the Massachusetts Bay. H.E. communicated to the Council the application made to him by some considerable number of the members of this Court, that the Court might sit at Cambridge or elsewhere, as H.E. should think fit, they being fearful to come into Boston by reason they have not had the small-pox, and come fresh out of the country, that distemper having lately prevailed much in Boston, and the Town not yet quite clear thereof; also that the house of Mr. Stephen Minot in the occupation of John Walker, situate at the further end of Boston Neck, remote from the body of the Town, had been proposed to him as accommodable to entertain the Court. Representatives sent to view the House.

March 11. The following Representatives took the oaths appointed, and repeated and subscribed the Declaration:—

1703.

County of Suffolk.

Boston, Samuel Legg.
Capt. Samuel Checkley.
Thomas Oakes.
Capt. Ephraim Savage.
Roxbury, William Denison.
Dorchester, Hopestil Clap.
Milton, George Sumner.
Brantery, John Baxter.
Weymouth, Capt. Stephen French.
Hingham, Lt. Theophilus Cushing.
Dedham, Capt. Daniel Fisher.
Wrentham, Samuel Fisher, jr.
Medfield, John Thurston.
Mendon, Capt. Josiah Chapin.
Woodstock, Phillip Eastman.

County of Hampshire.

Springfield, John Hitchcock.
Northampton, John Clarke.
Hatfield, Eliezar Frarey.
Hadley, Thomas Hovey.
Westfield, Capt. Isaac Phelps.

County of Essex.

Salem, Josias Wolcot.
Capt. Samuel Gardner.
Lynn, Lieut. John Peirson.
Marblehead, Richard Trevet.
Beverly, Isaac Woodberry.
Wenham, Thomas Patch.
Ipswich, Nehemiah Jewett.
Nathaniel Knolton.
Rowley, Capt. Joseph Boynton.
Newbury, Capt. Stephen Greenleafe.
Salisbury, Isaac Morrels.
Amesbury, John Kimball, senr.
Bradford, Capt. David Haseltine.
Haverhill, Lieut. John White.
Andover, Capt. James Frye.
Topsfield, Capt. John Gold.
Glocester, Capt. James Davis.
Boxford, William Foster.

County of Middlesex.

Charlestown, Samuel Heyman.
Samuel Phipps.
Cambridge, Thomas Oliver.
Simond Stone.
Watertown, Joseph Sherman.
Sudbury, John Balcombe.
Marlboro', Capt. Henry Kearley.
Malden, Edward Sprague.
Newtown, James Trobridge.
Bilrica, James Frost.

1703.

Woobourne, James Converse.
Medford, Lieut. Thomas Willis.
Sherbourne, Thomas Sawin.
Simon Daviee.
Concord, Nathaniel Billings.
Chelmford, Nathaniel Hill.
Reading, Major Jeremiah Swane.
Framingham, John Haven.
County of York.
Kittery. Samuel Winkley.
County of Plymouth.
Plymouth, James Warren.
Situate, Thomas King.
Duxborough, Edward Southward.
Marsfield, Capt. Nathaniel Winslow.
Bridgewater, Edward Fobes.
County of Barnstable.
Barnstable, Lieut.-Col. John Goreham.
Sandwich, Major William Bassett.
Yarmouth, Thomas Sturgis.
Eastham, John Done.
County of Bristol.
Bristol, Nathaniel Blagrove.
Rehoboth, Stephen Payne.
Taunton, Benjamin Crane.
Little Compton, John Palmer.
Island of Nantucket.
William Gayer.

H.E. directed them to choose a Speaker, and they reported that they had made choice of James Converse for their Speaker, and John White for their Clerk. H.E. declared his acceptance of those gentlemen.

The Assembly having been summoned, H.E. addressed the Court :—I did not expect when I parted with the Assembly in November that I should have maintained a quiet upon the frontiers thus long, but I am sensible that notwithstanding there is no infraction of the peace, that the pressing instances of the French by their officers and Jesuits that are amongst the Indians are such that it is not possible for them to withstand their importunity to break with us, unless we have a considerable force in the Province of Mayn, who may be a security for them, and a guard over them, the charge whereof must be provided for. I laid before the last Assembly H.M. commands for the rebuilding the Fort at Pemaquid, which was also the command of the late King, and that Assembly went so far in that affair as to direct a Committee of both Houses to attend me to the place, who made their report, advising to go forward in that worke, and their return was accepted and agreed to in the Council, but refused by the Gentlemen of the House of Representatives. It is H.M. pleasure that all possible methods be used to persuade you to an obedience herein, with H.M. most gracious encouragement that no ordnance nor stores shall be wanting towards the

1703.

finishing and maintaining the same. The last Sessions ordered Five thousand pounds Bills of Credit to be issued by the Treasurer to pass in publick payments, and for their security enacted that the next Assembly should raise six thousand pounds for their repayment, which is therefore now to be done.

I must also recommend to your care the lines drawn before the Town of Boston, which reach from the Batteries at each point. It was at first a very good projection and security to the harbour and town, but it is now become a nuisance, and will at length serve only to destroy the Harbour and spoil the shipping. You will please to consider either to put it upon the present owners to repair it, or upon their submission of it, to dispose it to a new Company, that it may not be a mischief to us. There remains but a little to be done at the Castle, which, as Col. Romer and the Commissioners acquaint me, may be finished before midsummer, and that noble work will be perfected, for which this Province ought to have its just reputation, and as my duty is, I shall so represent it to H.M. I desire your concurrence for the supply, that no time may be lost, and when I am there free of workmen and materials, you shall see the Government and care of that Garrison in its proper posture in all things.

I am often solicited and spoken to referring to the Colledge at Cambridge. I am sorry for the mistakes of this Government at any time in that affair. If there be anything that imports me referring to it, when it shall be communicated, I shall very freely do my duty to lay it before H.M., and in everything referring to the good and peace of this Province exert myself to the utmost, and hope the same of everybody in their proper stations. There are very few places without some ill-minded men that would be glad to see all things in confusion, and to that end would create misunderstandings and prejudices in the minds of H.M. good subjects against Her own Government. I hope your unanimous and cheerful obedience in the Queen's service will disappoint the ill-designs of such men, who, with a pretence of friendship to this countrey, are their worst enemies, and whilst H.M. most sacred Majesty is successful and victorious everywhere, would have her defeated and disappointed here of the just duty and service of her own people. I must desire a very speedy dispatch of these affairs, because if I have forces to the eastward, I must be near them, and I think it necessary for me to see the Indians there, if possible to confirm them in their obedience to H.M., and their dependence upon this Government.

The Representatives desiring a copy of the Speech, it was delivered to them.

It was proposed to the Representatives that a Joint Committee be appointed to summon a meeting of the Proprietors of the out-wharfs in Boston, and to consider of methods for the raising and supporting of them, and what may be thought necessary to be done by this Court in laying of such toll and dutys on vessels lying to or within the same as may support the charge thereof. [*C.O.* 5, 789. *pp.* 792-796.]

1703.
March 11.
Whitehall.

434. Council of Trade and Plantations to H.M. *Enclosing the following. Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,

434. i. Draught of Instructions for John Seymour, Captain-General and Governor in Chief of Maryland. Members of Council :—Thomas Tench, John Addison, Thomas Brook, Robert Smith, John Hammond, Francis Jenkins, Edward Lloyd, William Holland, James Saunders, Kennelan Chittleton, William Coursey, Thomas Erinals and Robert Quary. Quorum of 5. Governor to take $\frac{3}{4}$ths of the moiety of impost of 2*s*. per hhd. of tobacco, the remaining $\frac{1}{4}$th to be applied to maintaining a constant magazine with arms and ammunition. The Governor to receive the 3*d*. per hhd. on tobacco for his better support during his government, if the Assembly continue that duty. Lord Baltimore's Agents to be allowed to collect the other moiety of the 2*s*. per hhd. for his use as Proprietor. All tobaccos shipped in Maryland, from what part soever they come, to pay Maryland duties. Appeals to be allowed from inferior Courts to the Governor in Council (*no limit specified*), "wherein such of our Council as shall be at that time Judges of the Court from whence such appeals shall be made, shall not be admitted to vote upon the appeals, but they may nevertheless be present at the hearing thereof to give the reasons of the judgment given by them in the cause." Appeal from the Governor and Council to H.M. in Privy Council to be allowed, provided the value appealed for exceed 300*l*. sterl., and that such appeal be made within 14 days after sentence and good security given by the appellant *etc*., and provided that execution be not suspended by reason of any such appeal unto us. And inasmuch as it may not be fit that appeals be too frequently and for too small a value brought unto our Governor and Council, you shall therefore with the advice of our said Council propose a law to be passed wherein the method and limitation of appeals unto our Governor and Council may be settled and restrained in such manner as shall be most convenient and easy to our subjects in Maryland. Appeals also to be admitted to H.M. in Council in all cases of fines imposed for misdemeanour, provided the fines so imposed amount to or exceed 200*l*., the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence be confirmed. *The other instructions follow* the lines of those summarised in the case of other Governors. *See* Cal. A. &. W. I. May 12, 1702. [*C.O.* 5, 726. *pp.* 176-221.]

March 11.

435. Draught of Instructions for Governor Seymour relating to the Acts of Trade and Navigation. [*C.O.* 5, 726. *pp.* 222-253.]

1703.
March 11. **436.** Sir Edward Northey to the Council of Trade and Plantations. In obedience to your Lordships' order Feb. 4, I have considered of an Act of the Leeward Islands for naturalizing Colonel Walter Hamilton of Nevis, and I do not see any objection against allowing an Act of Naturalization made in the Plantations, since the effect of it will be only to make him a natural born subject there, and he cannot take advantage of such naturalization in England, but if he come hither he will be an alien here, notwithstanding this Act; if the Colonel before making the Act (while an alien) had purchased any lands they would belong to the Crown, an Alien being capable of taking only for the benefitt of the Crown. But this Law gives away the Queen's right to them, it not only enabling him to purchase after the Act, but to hold what he has acquired before making it, but in regard (as it appears by the Act) that he was born of English parents (in which case, if his father were beyond sea in the account of trade, he is a dennizen without this Act). Whether in consideration thereof, and of the service he hath performed to the Crown (taken notice of in the Act) your Lordships will not think it reason to advise H.M. to approve of the Act, I humbly submit to your Lordships' consideration. *Signed*, Edw. Northey. *Endorsed*, Recd. 19th, Read March 23, 170⅔. 1 *p.* [*C.O.* 152, 5. *No.* 18; *and* 153, 8. *pp.* 153, 154.]

March 11.
Whitehall. **437.** Journal of Council of Trade and Plantations. Upon further consideration of the Act of St. Christopher's mentioned yesterday, their Lordships gave directions for preparing a letter to Col. Codrington upon that subject.

Representation wherewith to lay before H.M. the draught of Col. Seymour's Instructions for the government of Maryland, together with another draught of Instructions relating to the Acts of Trade and Navigation signed.

Their Lordships took into consideration the draught of a report to be made upon the Lord Cornbury's letters relating to New York, and made some progress therein.

March 12. In pursuance of the minutes of March 8, the Secretary laid before the Board an extract of what has been allowed to the Governors of several Plantations for the transportation of themselves and families to their respective governments, whereupon he was ordered to certify the truth thereof and deliver the same to Col. Seymour.

Mr. Cobb, the Solicitor, brought to the Board the Acts of the Assembly of Mountserrat, which were sent to Mr. Attorney General, Jan. 29, together with his report upon one of them.

Letter to Mr. Secretary Hedges signed.

Mr. Thrale and Capt. Matthews laid a paper before the Board, which was read. Ordered that a copy of the first part, relating to respites, be sent to Mr. Champante for his answers on Monday, if he have anything to object, why that money should not be stoped in the Paymaster's hands towards the recruiting of the Foot Companies at New York. And whereas the latter part of the paper does relate to the clearings and other accounts of the

1703.

officers with Capt. Nanfan, those gentlemen were told that they ought to make their application either to the Pay-Office, or where else they may think proper.

Ordered that the Secretary do send to Mr. Burchet an abstract of the several letters lately received from the out-ports. [*C.O.* 391, 16. *pp.* 21-25; *and* 391, 97. *pp.* 209-213.]

March 11. St. Jago de la Vega. **438.** Minutes of Council of Jamaica. Upon reading a letter from H.E. James Moor, Governor of Carolina, giving an account of their retreat from St. Augustine's, their designe of a second attempt, and praying liberty to deteyne the mortar and stores accommodated to them by the hands of Col. Daniell, it was ordered that six months longer time be given.

19*l.* 8*s.* 3*d.* paid to Henry Piers for petty expenses in H.M. Fort Charles.

Ordered that the Receiver General pay to Lt.-Gov. Tho. Handasyd 250*l.* due to him for a quarter's salary.

Ordered that 30*l.* supplied by H.E. to the Captain of the two companies from New England be repaid to him.

18*l.* paid to Col. Charles Knight for liquors etc. on the reception of the late General Selwyn. [*C.O.* 140, 6. *pp.* 133, 134.]

March 11. **439.** Journal of Assembly of Jamaica. Act to invest H.M. in land in Kingston read three times and passed with amendments, and sent up.

Act for quartering the soldiers was read and recommitted.

March 12. Bill confirming the will of John Thomas was read three times.

Resolved that a clause be brought in to prevent any of the inhabitants of this Island from listing or being listed in any of the regiments under pay in this Island.

Upon reading the Act to prevent the exportation of arms, provisions etc. the question was put whether that whole Bill should be repealed or only part of it. Resolved, only part.

Upon debate whether a Bill be brought in for the raising the value of money for the prevention of the sending it off the Island, resolved in the negative.

Petition of William Bethell and others being read, ordered that a Bill be brought in to appoint Commissions to inspect the accounts of the Constables, Churchwardens, and others concerned in the receipt of the taxes for the wall and wharfs at Port Royal, and to sue for the money by them received on that account, and to pay the same in proportion to the petitioners and other creditors.

Bill for quartering H.M. soldiers was read and passed the first time.

Bill confirming the will of Anne Archer was committed.

March 13. Report of the Committee upon the taxes of Port Royal was delivered. *And see preceding abstract under date.*

Bill for quartering the soldiers read a second time, it being resolved that the officers should not be granted subsistence.

James Archbold reported that upon examination Dr. Samuel Mayo was ready to secure the Legatees of their Legacies in Mrs. Archer's will.

Ordered that the fees for the private Acts be 10*l.* for each to the Speaker, 6*l.* to the Clerk, and 4*l.* to the Messenger.

Bill to invest H.M. in land etc. read a third time with amendment.

Amendments to the Bill for confirming the will of Anthony Wood concurred to.

Resolved, that the members that do not pay their parts towards the entertainment of the Governor and Council lie under the censure of this House. [*C.O.* 140, 7. *pp.* 10-16.]

March 12. Barbados. **440.** A. Skene to the Council of Trade and Plantations. *Enclosing* Quarterly Minutes of Council and Assembly of Barbados. *Signed*, A. Skene. *Endorsed*, Recd. 21, Read May 27, 1703. 1 *p.* *Enclosed*,

440. i. Memorandum of Minutes of Council of Jamaica, Nov. 24, 1702-Feb. 16, 170⅔. ¼ *p.*

440. ii. Memorandum of Acts of Jamaica, Dec. 23, 1702-Jan. 21, 170⅔. ¼ *p.* [*C.O.* 28, 6. *Nos.* 96, 96.i. ii; *and* 29, 8. *p.* 305.]

March 12. Whitehall. **441.** William Popple to John Champante. The Council of Trade and Plantations having received from Mr. Thrale and Capt. Matthews a state of the respits in Capt. Nanfan's hands pursuant to their directions of the 10th. send you the inclosed copy thereof for your answer on Monday next, if you have anything to object why that money should not be stopt in the Paymaster's hands, towards the recruiting of the Foot-Companies at New York. [*C.O.* 5, 1119. *pp.* 417, 418.]

March 12. Whitehall. **442.** William Popple to Josias Burchet. The Council of Trade and Plantations having lately received letters [*March* 3] from several out-ports concerning the ships preparing for the fishery at Newfoundland in case they can have protections for their men, and convoys time enough, enclose abstracts etc. *Annexed*,

442. i. Abstracts of Letters from the Out-Ports. Bristol design to send 0 ships to Newfoundland this year, Biddiford 5, Barnstable 5, Fowey 1 *via* Portugal, Plymouth 2, if there be convoy, Dartmouth 6, more were designed, but hearing nothing of convoy, they were not got ready; Exeter 22, Weymouth none, Poole 6. [*C.O.* 195, 3. *pp.* 183-187.]

[March 12.] **443.** A State of the Respit-Money, Clearings *etc.* in Captain Nanfan's hands. *Endorsed*, Recd. from Mr. Thrale and Capt. Mathews. Recd. Read March 12, 170⅔. 1 *p.* [*C.O.* 5, 1048. *No.* 40.]

1703.
March 12. **444.** Sir Edward Northey to the Council of Trade and Plantations. *In answer to queries of Feb.* 26. I am of opinion that the Governors of H.M. Plantations when discontinued may be arrested and prosecuted in the said Plantations by particular persons for arbitrary and illegal imprisonments and other proceedings without probable cause for doing the same; but I am of opinion that on the fact stated by the memorial, and appearing by the affidavits of Lawrence Quinoe, John Dogett and Charles Macarty, Graves and Prideaux have no just cause of action against Mr. Nanfan for the proceedings against them, there appearing sufficient ground for him and the Council to doe what they did against Graves and Prideaux. However, the actions being brought, Mr. Nanfan must answer to the same, and defend himself against them by shewing the grounds for his proceedings, which will justify him, though the accusers of Graves and Prideaux might misinform the Deputy Governor, who will be justified by the accusation of them on oath, and it will be necessary to make his defence particular, and not plead not guilty generally. If Mr. Nanfan were in England, the parties grieved might sue him here in an action for false imprisonment, and by II William 12, the Queen may in England indict the Deputy Governor for any misdemeanours committed by him during his government, and may bring him to an account here for any moneys he hath received belonging to H.M. *Signed*, Edwd. Northey. *Endorsed*, Recd. Read March 16, 170$\frac{2}{3}$. 1 *p.* *Enclosed*,

444. i. Copy of Queries referred to in preceding. 2 *pp.* [*C.O.* 5, 1048. *Nos.* 36, 36.i.; *and* (*without enclosure*) 5, 1119. *pp.* 422-424.]

[March 12.] **445.** Sir Edward Northey to the Council of Trade and Plantations. In obedience to your Lordships' Order of Reference, January 29th, I have considered of an Act passed in an Assembly at Mountserrat June 13th last, entituled *an Act for quieting Men's estates etc.*, and do humbly conceive the same is lyable to several exceptions. 1st. For that this Law being perfectly new in Mountserrat, three years seems but a short time to allow to persons to claim, who may not know that there is such a Law. In Jamaica seven years time has been allowed, but in Barbadoes two years time only has been allowed. *2dly.* The designe of this Act is to quiet the present possessors of Plantations in Mountserrat, but has no regard to the future quiet of the Island, by providing that in all times hereafter all suits shall be prosecuted in a certain time as is usuall. *3dly.* The Act is not well penned, it being that not only all persons that had right when the Act was made, should enter or prosecute within three years after the date of the Act, but that all persons that should thereafter have any title should sue within three years after the date of the Act, the words (or hereafter shall have any title) should have been omitted, or after the words (within three years after the date hereof) should have been added (or within three years after the title accrewed). As it is worded it may be doubted if he to whom a title accrews within three years after making the Act, is not obliged to enter or claim within those three years, though his title may accrew but half a year before the same are expired. The clause after is restrained to persons intituled before making the Act, and may well expound the other clauses, though it had been better that the foregoing clauses had not wanted such explanation. In the provisoe for saving the rights of madmen, women etc. the rights of persons out of the Island are not saved, but I find it hath not been usuall to except such, and Laws of the like nature for Barbadoes and Jamaica have been allowed, without giving longer time to persons out of the Plantations to claim, than was allowed to persons present there. On the whole matter, I am humbly of opinion it will be advisable for a new Act to be passed which may not be liable to such objections as are to this, and which may limit the time of suit and entrys by future as well as present titles. *Signed*, Edw. Northey. *Endorsed*, Recd. 12 March, Read May 4, 1703. 1¾ *pp.* [*C.O.* 152. 5. *No.* 19; *and* 153. 8. *pp.* 169-172.]

March 12. Whitehall. **446.** Council of Trade and Plantations to Sir Charles Hedges. In obedience to H.M. pleasure upon a petition in behalf of the Jews inhabiting in the Island of Jamaica, complaining of hardships, which they sustain, having been lately taxed as a collective body in the sum of 2,500*l.* beyond the proportion according to which each person is singley taxed in the same manner as the other inhabitants, we desire you would be pleased to represent to Her Majesty that we humbly conceive that these people behaving themselves peaceably, and living conformably to the laws of the Island may deserve H.M. protection, and that H.M. may be graciously pleased by her letters to direct the Governor of Jamaica for the time being, to doe all that in him lyes that they be kindly used, and that their taxes may not be unreasonable or oppressive. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 138. 10. *pp.* 418, 419.]

March 12. **447.** Minutes of Council in Assembly of Jamaica. Bill to invest H.M. in land in Kingston sent up with amendments engrossed was read twice and passed by the majority part.

March 13. Bill for confirming the will of Antho. Wood was read a third time with amendments, passed and sent down.

The Bill to invest H.M. in land etc. was read a third time, and a further amendment proposed, upon which a conference with the other House was proposed. The House agreed to the amendment. The Bill was read a third time and passed.

The Governor sent a message to the Speaker that he required the Minutes of the House from the last Minutes to be sent to him.

Ordered that Mr. Morton be sent for pursuant to the former Order of Feb. 20 to be here on Munday morning.

Message from the Representatives desiring H.E. as Chancellor to issue a Commission to John Blaire, Thomas Hudson, Edmond Edlyne, Francis Rose and James Archbold, impowering them or any three of them to administer an oath to the several and

1703.

respective inhabitants late of Port Royall, whether they have paid their taxes to H.M. by the late Acts, or how much thereof. The Council were of opinion that would best be done in a short Act to that purpose. [*C.O.* 140, 6. *pp.* 449-451.]

March 12. **448.** Minutes of Council in Assembly of the Massachusetts Bay. The Representatives thanked H.E. for his care of the Province since the last General Assembly, and for his speech made yesterday, and desired that it might be printed. H.E. said he would consider of it.

The Committee appointed to consider the petition of the inhabitants of Springfield on the West side of the river, praying to have a proportionable privilege with the other inhabitants of the town in the parsonage or ministry land, having settled a minister on the West side of the River, made their report, which was read. Upon a previous question first put, whether the inhabitants on the West side of the River have not a proportionable right in the ministry lands, purchased by the town, of Mr. Moxon, it past in the affirmative. And it appearing that the said lands are pretty equally divided by the River, resolved that the ministry on each side of the river for the time being shall have the issues and profits of the said lands respectively, lying on that side where they live, and further ordered that the inhabitants living on the East side of the river do advance and pay the sum of 50*l.* towards the charge of building the meeting-house on the west side of the river, deducting out of each person's rateable part thereof so much as he has already freely advanced thereto. This resolve was sent down to the Representatives for concurrance.

Petition of Benjamin Ruggles, minister of Suffield, praying the grant of 100 acres of land lying within a mile of the meeting-house in the said town, and 400 acres more remote, reserved in the laying out of the said town to the country's use, read and ordered to be sent to the Representatives.

Message sent up that the Representatives desired to have the report of the Committees relating to Pemaquid. Ordered accordingly.

Joint-Committee, proposed March 11, appointed.

March 13. Order sent up by the Representatives that the Revd. Mr. Cotton Mathers be treated with in order to be obtained for a resident President of Harvard College, carried in the negative, and a message was sent down that the Board could not accept a President named by that House.

Report of the Committee appointed by the last Assembly upon Pemaquid, was read and accepted by the Council.

Resolve of the Representatives, that 500*l.* be allowed towards fortifying Castle Island over and above what is already granted to that end, which shall be improved in finishing those works that are most necessary to be done for the present defence of the same, particularly the platforms and carriages to be done in the first place, was concurred with. [*C.O.* 5, 789. *pp.* 796-798.]

1703.
March 13.
Williamsburg.

449. Governor Nicholson to [? *the Earl of Nottingham*]. I want words to express the very great satisfaction which I had when I had the great honour of receiving your Lordship's letter of May 7 with H.M. royal Declaration of War against France and Spain, for that I found that your Lordship was restored to your place of Chief Secretary of State, which your Lordship so very justly and wisely managed in all affairs that even the very worst of your enimys, whereof some were great and implacable ones, du[r]st never publickly accuse you, and I question whether an Angel from heaven could please y^{m}. But the true and zealous sons of the Church of England as by law established were sensible that your enimys were so because that your Lordship was so very great and able a supporter thereof *etc. etc. Signed,* Fr. Nicholson. 1 *p.* [*C.O.* 5, 1340. *No.* 2.]

March 13.
Williamsburg.

450. Governor Nicholson to the Council of Trade and Plantations. *Refers to* letter of July 29. I was heartily glad to hear that it pleased God that all the fleet arrived safe in England, and Mr. Perry writes me that the fleet to these parts was not to sail till, God willing, about July next. I herewith humbly submit my proposals about the said fleet, goods etc. There will not be left above 7 or 8 ships, 5 or 6 of which in Rappohanock, and two in Potomock: most of them belong to Bristol; the others to the Northern ports. *Refers* to Journal of Council *re* embargo, *and desires* their Lordships' directions.

From the enclosed transcripts of letters, Orders of Council etc. relating to Capt. Moody, your Lordships may please to see how very strangely he hath behaved himself. For my own part I heartily wish I never had, or should have anything to do with the Captains of men-of-war, except it bee to do all I can for them for H.M. interest and service. I have a great deal of trouble and charge about them; but that I don't value, provided they would be satisfied; but I hope in God that neither myself nor my successors will have the like trouble with any that may succeed him. I think he hath been very unfortunate in a certain affair, as likewise in giving credit to reports that have been told him by certain persons who knew, or ought to have done better. I have allready lent him and his purser 400*l.* for victualling the *Southampton*, and don't know but that they will want the other 100*l.* I am so far from having advantage by it, that I may chance to be out of my money three or four years; for I advanced 140 odd pounds for careening H.M.S. *Essex* prize above two years ago, and my correspondent Mr. Perry has not received the money yet, and doth not know when he shall. None of the Captains of the men-of-war can justly tax me for being any ways wanting to the utmost of my power, and of not paying them that honour and respect as became me towards them in the station in which they were. I hope that your Lordships will get Capt. Moody's journal, by which it will appear how little he hath cruised, notwithstanding the orders of myself and H.M. Council for his so doing; and I hear he makes his braggs that he hath made such critical observations concerning the Government etc. in his said Journal,

1703.

that are worth, I think, either a thousand or ten thousand pounds. But I suppose the greater summe is as likely as the less. The favor I humbly beg of your Lordships is, that if he or any other person or persons pretend to accuse me, they may be obliged to give it under their hands, and allso to give security to prosecute and abide the determination of the sentence wherever H.M. shall be graciously pleased to order me to be tryed or heard. And after I have cleared myself, which I desire may be before your Lordships (for I hope in God I shall not be only able to clear myself, but make my accusers appear to be the criminals), then I shall pray that I may take my remedy at law against them.

I received your Lordships' letter of April 13, with H.M. commands concerning the affair of New York, which I shall lay before the Assembly, and according to my bounden duty I shall use my best endeavours that H.M. royal commands may be complied with by the Assembly, though I'm sensible that great endeavours have been used by some persons to infuse strange notions into the people's heads about sending men and money to New York, and endeavoured what in them lay to have such persons chosen Burgesses that would be against such a thing. But I hope in God that they are and will be frustrated of their evil designs and purposes. And I find that some persons are never satisfied, whoever is in the Government, except they can direct them, nay, I question if the Government was in their hands whether they would not quarel among one another. Some persons in our late Assembly endeavoured what in them lay to have done by it as those in Scotland would have done by theirs, only they made no publick protestation *etc.*, but I thank God, they were defeated as those were. The Committee for revising the Laws have at last done, but considering the time of the year, and no likelyhood of having a safe opportunity of transmitting the Laws to your Lordships before the next spring, I don't know whether the Assembly will go upon them now, or not. What they have done, as likewise concerning the Capitol, your Lordships may please to see in their Journal. H.M. Council and myself formerly humbly represented to your Lordships the case of an Attorney General and Clerk of the Council. Benjamin Harrison hath for some time officiated as H.M. Council at law. He is lately gon from hence to live about 40 miles off, and when I have written to him to come hither, he hath twice made an excuse, and says the salary of 40*l*. per annum is so small that he cannot attend it; but indeed I dare not at present recommend him to your Lordships that he may have the allowance of 100*l*. per annum, as was humbly proposed by us to your Lordships that the Attorney General should have. There is one John Holloway, who is at present at Annapolis in Maryland, but is willing to accept of being H.M. Attorney General here; but he is in hopes that your Lordships will be pleased that he may have his salary advanced to 100*l*. per annum. I am a stranger to the gentleman. But he writ to me that Sir Simon Harcourt, H.M. Solicitor General, would recommend him to your Lordships. I'm in hopes that either he or some other gentleman, a good lawyer, will be appointed by your Lordships and obliged to live at this place; or else H.M. interest and service may suffer. As God Almighty hath hitherto been graciously pleased to enable me to keep this H.M. Colony and Dominion in peace and quietness, so my prayers and hopes are that I shall be able to continue the same *etc.* *Signed,* Fr. Nicholson. *P.S.*—I humbly desire your Lordships would give directions about the Addresses to H.M. Col. Quary told me how very extraordinarily he was obliged to your Lordships for so many great favors and protections to him, and that your Lordships had some thoughts of appointing him to be your Commissary on this Continent. If in that or any other thing your Lordships be pleased to imploy him, I will be his security etc. *Endorsed,* Recd. 19, Read May 24, 1703. 3 *pp.* *Enclosed,*

450. i. Col. Nicholson's proposals about convoys. Williamsburgh. March 13. The crops of tobacco in Virginia happen to be much shorter this last year than has been known for several years past; and yet above half of that little which was made remains still in the country for want of shipping. In Maryland their crop has been better, but they labour under the same difficulties in relation to shipping, they having half, if not more of their tobaccos left in the country, and like to be so, unless some ships come to carry it off. The Aronoco tobacco will spoil by waiting, the sweet-scented will not be spoiled, but will lose weight, and so lessen H.M. Revenue. There is at present some want of goods in the country, especially of the coarser sort for cloathing the ordinary people. If these are not supplied by shipping from England, the people may be forced to go upon woollen and cotton manufactures as they endeavoured to do last war when they were under such circumstances, and here are discontented and designing people in these parts of the world, and great pretenders for liberty and property, who will be ready enough to invent ways and means to live by themselves. For the prevention of these inconveniences, it is humbly proposed that a general leave be given throughout all England for ships coming to Virginia and Maryland, and that the merchants may be encouraged to send as many as they can, both of ships and goods, especially of the courser sort. The time for the ships sailing from England is proposed to be about the latter end of July or beginning of August, so that they may be here before the winter sets in; this, as 'twill afford a timely supply of goods to the countrey, so it will be an advantage to the shipping, the winter being a very improper season for coming upon this coast by reason of the bad weather and north-west winds, wch. are generally that time of the year, by wch. ships are often drove off the coast, or suffer much by long passages. If the ships arrive not here before the end of the year, it will occasion

1703.

another disadvantage to trade, to witt, that they may not gett out again till the latter end of May or June, nay, it may chance till July, and then the ships are not only exposed to the wormes, but the health of the men is also endangered. If the fleet should not come out of England till towards the winter, or that there will not be any considerable number of ships, then 'tis humbly proposed that some advice-boat may be sent to give an account concerning the ships, and which will quiet the minds of the people, who upon such occasions may have strange notions and apprehensions of things, and frequently fancy and imagine the worst, whereas when goods are plenty, and shipping in the country to carry away all the Tobacco, the body of the people are very easie, quiet and well satisfied. But if it should so happen that we should have no certain account of the Fleet some time in January, or the beginning of February or March, that being the time the Planters think of preparing for crops of tobacco, they may endeavour to employ themselves some other ways, and how prejudicial that may be to H.M. interest and service is humbly submitted to your Lordships' consideration. *Signed*, Fr. Nicholson. *Endorsed*, Recd. May 19, Read June 2, 1703. 2 *pp.*

450. ii. Memorandum of Minutes of Council of Virginia, Aug. 14, 1702–Feb. 24, 1703. ¼ *p.*

450. iii. Memorandum of Minutes of Council in Assembly of Virginia, Aug. 14-28, 1702. ¼ *p.*

450. iv. Memorandum of Journal of House of Burgesses of Virginia, Aug. 14-28, 1702. ¼ *p.*

450. v. Copy of Laws of Virginia passed Aug. 14, 1702. *Endorsed*, Recd. May 19th, 1703. 8¾ *pp.*

450. vi. An Abstract of the Report of the Committee of Claims, with an abstract of several allowances in money etc. Aug. 14, 1702. 5½ large *pp.*

450. vii. Duplicate of preceding.

450. viii. List of tithables of Virginia. *Total*, 26,245. *Endorsed*, Recd. May 19, 1703. ¾ *p.*

450. ix. Duplicate of preceding. ¾ *p.*

450. x. Copy of Proclamation of War etc. Sept, 1702. 2¼ *pp.*

450. xi. Duplicate of preceding.

450. xii. Memorandum of Journal of Council of War, Virginia, Oct. 22, 1702. ¼ *p.*

450. xiii. Copy of Proclamations for proroguing the Assembly, electing Burgesses etc. Aug, 1702, *etc.* 3¼ *pp.*

450. xiv. Duplicate of preceding.

450. xv. Memorandum of Journal of Committee for revisal of the Laws of Virginia, Aug. 5–Nov. 13, 1702. ¼ *p.*

450. xvi. Memorandum of Journal of Committee appointed to inspect the Capitol, Aug. 6–Nov. 13, 1702. ¼ *p.*

450. xvii. Copy of Loyal Address of the Officers Civil and Military of Princess Ann County to the Queen. *Signed*,

Ben. Burrough, Edwd. Moseley, Adam Thorowgood, Tho. Lawson, Henry Spratt, Sheriff, Solomon White, John Richardson, Horatio Woodhouse, John Moseley, O'Coke, Henry Chapman, Sub. Sheriff (*Civil Officers*); Edwd. Mosely, Col. and Commander in Chief, Plomer Bray, Lt.-Col., Adam Thorowgood, Major; Henry Spratt, Horatio Woodhouse, John Moseley, O'Coke, Henry Chapman, Capts.; James Davis, Tully Smith, Wm. Smith, Edwd. Moseley, junr., Lieutenants. 2 *pp.*

450. xviii. Copy of Loyal Address of the inhabitants of Stafford County to the Queen. *Signed*, Robert Alexander, John Washington, Mathew Thompson, Richard Haffacar [or Hassacar ?], Wm. Bunbury, Thomas Harrison, George Mason, Moses Lynton, John West, John West, jr., John Peake, G. Mason, Will. Fitz-Hugh, Benj. Colclough, Tho. Lund, Giles Travers, Alex. Waugh, Thomas Gillson, Edward Hart, Charles Ellis, Philip Alexander, George Andersen. 2 *pp.*

450. xix. Copy of Loyal Address of the Grand Jury of Virginia to the Queen. 1702. *Signed*, Peter Beverly, Foreman, Miles Caryl, Wm. Robinson, Jno. Washington, Geo. Eskeridge, Wm. Randolph, John Major, Wm. Small, Wm. Cary, Wm. Wilson, Richd. Bally, Edmd. Scarburgh, Wm. Fitzhugh, Ja. Westcomb, Jno. Deane, Wm. Jones, Charles Curtis, Henry Brereton, Richard Bland, Geo. Glasuck, Henry Scarburgh, John Walker, David Clarkson, William Hansford. 3 *pp.*

450. xx. Copy of proceedings relating to Capt. Moody, H.M.S. *Southampton*, Dec. 16, 1702–March 1, 170⅔. [*See Minutes of Council of Virginia.*] *Endorsed*, Recd. May 19, 1703. 39 *large pp.*

450. xxi. Memorandum of Naval Officers' List of Ships, July 10, 1702–March 25, 1703. ¼ *p.* [*C.O.* 5, 1313. *Nos.* 16, 16.i.-xxi.; *and* (*without enclosures*) 5, 1360. *pp.* 370-379.]

March 13. **451.** Duplicate of Gov. Nicholson's letter above. [*C.O.* 5, 1340. *No.* 3.]

March 13. **452.** Duplicate of above, *No.* 450.i. [*C.O.* 5, 1340. *No.* 4.]

March 13. Coleman Street. **453.** Mr. Dummer to the Earl of Nottingham. Enclosing extract from the Journal of the Master of his sloop: Arrived Barbados Jan. 11. Found there 11 men-of-war, 5 East India ships, many merchant ships bound home. Arr. Antego Jan. 15, Found there 7 merchant ships, 1 privateer. *Arr.* Montserrat Jan. 17. Found there 1 haggboat, 2 sloops. *Arr.* Nevis Jan. 19. Found there 18 merchantmen, etc. Arr. St. Christophers Jan. 20. Found there Edgar, Anglesea, 5 storeships from Ireland. Arr. Jamaica 29th. Port Royall burnt, all but the Castle. Arr. Plymouth March 10, 170⅔. *Signed*, E. Dummer. *Addressed.* 1 *p.* [*C.O.* 318, 3. *No.* 14.]

1703.
March 15
[written
Feb. 15].

454. John Champante to the Council of Trades and Plantations. *In reply to letter of March* 12. The total of the Respits said to be in Mr. Nanfan's hands [*see March* 12] is 693*l.* 6*s.* 6*d.* But in that is included the respites on 32 men for 53 days from March 9 to April 30, 1701, and on 69 men for 55 days from April 30 to June 24, 1701, which have been already stopped out of the clearings of those respective times, and ought therefore to be deducted out of the above sum =137*l.* 5*s.* 6*d.* But there is due to Captain Nanfan his full pay from Dec. 25, '99, to April 24, 1700, 56*l.* 9*s.* 4*d.*; his clearings from April 26 to Dec. 25, 1700, and from June 24 to Dec. 24, 1701, making in all 228*l.* 5*s.* 8*d.*, which deducted from 556*l.* 1*s.*, leaves 327*l.* 15*s.* 4*d.*, which is all that by the common rules of Justice can be stop'd out of the 4 months and half subsistence, which is now demanded for the pressing accounts known to your Lordships on Mr. Nanfan's behalf, and is supposed by the State of March 12 and your Lordships' Minute to have been paid to him. But I humbly hope that no such stop at all will be thought proper, for I believe I may take upon me to affirm that Mr. Nanfan has already accounted to my Lord Cornbury for the surplusage money arising from the Respits, for it has been long ago known at New York what money has been received here by me to Dec. 24, 1701, for which time there can be no doubt but he has accounted for the subsistence according to the establishment, and has not been suffered to retain publick money in his hands etc., etc. The Queen can run no danger of loosing these respits, if no stop should be made, and Mr. Nanfan will be a great sufferer, if not ruin'd, in case this hardship be put upon him etc. *Signed*, J. Champante. *Endorsed*, Recd. Read March 15, 170⅔. 2 *pp.* [*C.O.* 5, 1048. *No.* 41; *and* 5, 1119. *pp.* 418-422.]

March 15.
Whitehall.

455. Journal of Council of Trade and Plantations. Letters and papers received from Jamaica, Jan. 31, Feb. 1 and 3, read.

Letter to Capt. Lilly ordered.

Letter to Col. Handasyd ordered.

Letter from Col. Codrington, Jan. 23, read, and directions given for addition to the letter lately ordered to be writ to him.

Mr. Champante presented a memorial in answer to letter of March 12. Ordered that a copy be given to Mr. Thrale, and an extract of Lord Cornbury's letter of Dec. 12 to Mr. Champante relating to the Bills drawn upon him.

Their Lordships made a further progress in considering the Representation relating to New York.

March 16. Sir Henry Ashurst was granted a copy of the letter of Mr. Partridge, Sept. 25, 1699, relating to timber in New England.

Acts of the Leeward Islands, Dec., 1701, considered, with Mr. Attorney General's opinion thereon. Directions given for preparing a report for repealing two of them.

And as to another—*to prevent papists and reputed papists from setling in those Islands*, Mr. Attorney having observed a defect therein which makes it not fit to receive the Royal Approbation without an amendment which cannot be made otherwise than

1703.

by a new Act, and there lying also before the Board a memorial in the name of Daniel Mackenin, a Protestant inhabitant of Antego, setting forth a particular case wherein the said Act exposed him to the danger of great loss, their Lordships ordered copies of the said Mackenin's case and of that part of Mr. Attorney General's report, which relates to this Act, to be sent to Col. Codrington, together with the repeal of the two forementioned Acts, when the same shall be done.

Mr. Champante laid before the Board Mr. Attorney General's opinion upon the queries sent to him Feb. 26 relating to his memorial of Feb. 4 in behalf of Capt. Nanfan, which was read, and he desired their Lordships to write to Lord Cornbury to desire his care to prevent any hardships being put upon Capt. Nanfan, and that upon examining the cause of the action or actions that are against him the baile may be proportioned accordingly.

March 17. Mr. John Richardson, a minister, having been recommended by the Lord Bishop of London, laid before the Board a proposal setting forth that he had engaged 500 persons to transplant themselves from Ireland to Virginia or Maryland, and begging H.M. assistance in order thereunto, the same was read; and he having thereupon declared that those persons are inhabitants about Belfast, many of them farmers, of some substance, their Lordships acquainted him with the difficulties and hazards of such a transportation, especially in this time of war, there being no convoys to be expected from those parts; and upon further discourse with him, judging his proposition to have been loosely made, upon some mistaken notion which cannot answer the expectation of those people, they told him that they did not think it proper for them to offer the same to the Queen, whereby to ingage her in a charge when there is no probable view of success.

Mr. Champante, Mr. Thrale and Capt. Matthews being altogether before the Board, Mr. Thrale laid some papers before their Lordships, of which Mr. Champante was granted copies. Ordered that Mr. Champante lay before this Board on Friday next an accompt of the prices and whole charge of the cloathing which he sent last to New York.

Upon the desire of Mr. Thrale, ordered that the Secretary do certifye a copy of the accompt of money paid to Mr. Champante by the Lord Renelagh for the use of the 4 Companies at New York, which was received from Mr. Pauncefote, Feb. 9 last, and deliver the same to Thrale. [*C.O.* 391, 16. *pp.* 25-33; *and* 391, 97. *pp.* 217-226.]

March 15. **456.** Journal of Assembly of Barbados. The House met by special summons. Absent members fined, with exception of some excused.

The House waited on the President and Council, who desired them to take into consideration the fitting out the *Larke* speedily, there being intelligence of a French Privateer on the coasts. They also recommended the setting out a small vessel for sending to the Leeward Islands or other places on any necessary occasions.

1703.

Resolved, that the Speaker make application to the President and Council for their Order for the payment of the Agents in England what is due to them.

The House, attending, acquainted the President and Council that they had discoursed Capt. Folgeamb about his speedy going out on a cruise; and recommended Capt. Willm. Mills to command the *Larke*, and the President thereon gave his approbation, and this House therefore resolved that the said brigantine be immediately set out, and that his pay be for six weeks from this day.

Capt. Townsend was appointed Agent for setting out vessels for the country's service at a salary of 80*l.* per annum.

Capt. Thomas' petition about interest money until the 1,300*l.* be paid in for the loss of the brigantine Madeira was approved of.

Resolved, that the *Larke* shall not have above 90 men employed.

It was moved that the powder in the magazine may be distributed into several officers' hands in the country.

Report of the Committee upon the debts due from those who had formerly fitted out vessels of war, read.

Various salaries voted.

The House adjourned till April 15. [*C.O.* 31, 7. *pp.* 37-39.]

March 15. **457.** Minutes of Council [*in Assembly*] of Barbados. The Board being informed that M. Casilis' sloop, which came up with the flag of truce, is in a very leaky condition, ordered that such of the French prisoners as are carpenters be admitted to go on board the said sloop every morning and to return to the fort every night, until they have repaired her, and that a guard do attend them during that time.

See preceding abstract.

Ordered that Capt. John Foljambe, H.M.S. *Kinsale*, do use all possible care to get the said ship ready and convoy the ships bound to the northward with all expedition. Some French prisoners entered themselves on board her in H.M. service.

The Assembly desired that an order might issue to press men for the *Larke*, but that the same might not extend to outward-bound vessels ready to sail. They said there was a report that the magazine at Port Royal, Jamaica, was blown up, and for fear of any such accident here, desired that some of the powder might be distributed.

March 16. Stores issued for the Leeward fortifications.

See preceding abstract.

172*l.* 3*s.* 11¼*d.* paid on account of disbursements for the fortifications of St. Phillips, and 462*l.* 17*s.* 4½*d.* for salaries and other disbursements for the fortifications of St. Michael.

Ordered that privateers take new commissions every time they come into port.

Error brought by Jane Bushell, widow, to reverse a judgment for the sum of 50*l.* costs obtained against her by Thomas Mapp, jr., before Christopher and Nathaniel Webb, Dec., 1702. Judgment reversed.

Error brought by John Howlett that John Robinson brought an action of trespass and ejectment against Robert

Lauder, wherein Alexander Arnett, and Mary his wife, were lessors and Howlett tenant, and judgment was given for the plaintiff, April, 1702. Judgment confirmed.

Error brought by Richard Hasell to reverse judgment obtained against him by John Jones; the writ fell, defendant being dead.

Error brought by Thomas Mainwaring, planter, to reverse a judgment obtained against him by Philip Banfield and Jane his wife, March, 1702, considered. Judgment reversed.

Error brought by Thomas Marshall to reverse a judgment obtained against him by Elias Haskitt, March, 1702, upon an action of debt, heard. Judgment confirmed.

Error brought by James Clinkett to reverse a judgment obtained against him by John Pead, April, 1697, fell through the death of Pead.

Error brought by Thomas Walduck to reverse a judgment obtained against him by James Hurst, April, 1702. It appearing that the Judge had not returned the whole records under his hand and seal, the plaintiff was granted 14 days to get them.

Error brought by Edward Burke to reverse a judgment obtained against him, Nov., 1702, by Francis Pike, heard. Judgment reversed.

Petition of Mary Benthall of London, spinster, neice and heiress of Benjamin Weale, read, setting forth that Robert Yeomans and Elizabeth his wife lately presented their petition to the President for the administration of the goods of the said Weale, as the said Elizabeth is executrix of the will of John Weale, who was supposed executor of the will of Benjamin Weale, and that petitioner had entered a caveat etc. and had also prayed that no administration might issue whilst evidence was being taken in England; but that, since administration had been granted to Yeomans and his wife, petitioner prays for leave to appeal to H.M. in Council to have true copies of papers *etc.* Granted accordingly.

Petition of Bartholomew Rees and Mary his wife read, and leave granted to appeal to H.M. in Council from a decision of the Court of Chancery, Feb. 11, in the case of Mary Davies, widow, complainant.

Petition of John Browne praying an order for a new path to be run out between the land of John Rous and petitioner read, but nobody appearing to it, it was dismissed.

Petition of William Fenton, servant to William Terrill, setting forth that he had served out his time honestly, and that Terrill had refused to pay him what was appointed by an Act of this Island, considered. The Board is of opinion that the same does not properly lie before them to determine.

Petition of Margaret Waterman, widow of Capt. John Waterman, praying for letters of administration [? *read*].

Salary paid to John Williams, Lt. of the *Larke*.

A bill of costs was taxed for Charles Cleaver against Philip Bamfield.

Ordered that M. Casali, who has been confined to his chamber, have leave to go every day to the house of Edward Arnell in the Bridge Town to eat or drink, provided he behaves himself modestly and doe not go any farther from his lodging till further orders.

Ordered that Thornhill's Battery to Leeward be added to the division of the regiment under the command of Col. Holder. [*C.O.* 31, 8. *pp.* 4-14.]

March 15. **458.** Minutes of Council in Assembly of Jamaica. Petitions of inhabitants of Port Royal returned to the Council from the Assembly.

The House attending, H.E. passed the Act to invest H.M. in land in Kingston.

Bill for the present subsistence of H.M. soldiers sent up.

March 16. The above Bill was read the first time and committed.

Message from the House in reply to H.E.'s speech. As this House upon all occasions have, so they always will as in duty bound shew themselves most dutiful and loyal subjects in expressing [? *exposing*] and hazarding their lives and fortunes to the utmost peril and danger for the honour of H.M. and the defence of this Island.

Bill confirming the will of A. Wood sent up passed with amendments.

Bill to enable the Justices and Vestry of the parish of St. George to raise their taxes to the Queen as by a former Act, and to indempnify them and the Justices and Vestries of the parishes of St. Thomas to the East and St. Davids for not raising their taxes in the time limited, sent up.

Bill sent up for dividing the parish of St. Elizabeth into two distinct parishes for the ease of the inhabitants.

Bill sent up to confirm the will of John Thomas late of the parish of St. Andrew's.

Bill sent up for settling several annuities and appointing as provision for Mrs. Oliva Read, widow, and her children, and for the children of Anna Petronelia, now wife of Nathaniel Browne, gent., out of the estate which was of her late husband, John Read, decd.

Conference appointed on the Bill for subsisting H.M. soldiers. [*C.O.* 140, 6. *pp.* 452-454.]

March 15. **459.** Journal of Assembly of Jamaica. The House attending the Governor in Council, H.E. said that little notice had been taken of his Speech wherein he recommended to the House the care of the Queen's authority, which hee could not but take notice of, butt that without any scruple he passed the Act for investing H.M. in land at Kingston.

Bill for quartering soldiers read the third time and passed and sent up.

March 16. *See preceding abstract under date.*

March 17. Richard Bankes had leave to set up his name in the Secretary's Office in order to depart for England.

The Committee reported from the Conference that Col. Lowe proposed the soldiers might be allowed 6*s.* per week each, it seeming to the Council that 5*s*. was too little, there being deducted out of their pay, which is but three shillings and sixpence per week, one shilling for shoes, stockings, etc., and therefore that they might be allowed 24*s*., by the Calendar month, which upon debate was unanimously agreed to by both Committees, as well for the soldiers at St. James and St. Jago de la Vega as at Port Royal. Col. Lowe likewise offered that he was commanded by the Governor to signify to the Committee (and that the Council were all positively of that opinion) that some regard ought to be had to the officers, but the majority of the Committee of this House were against it.

And see *Minutes of Council in Assembly under date.*

Ordered that a Bill for guarding the sea-coasts be brought in. [*C.O.* 140, 7. *pp.* 16-21.]

March 15. **460.** Minutes of Council in Assembly of the Massachusetts Bay. 18*l*. 7*s*. 3*d*. paid to Andrew Belcher for keeping French prisoners of war.

The resolve past, March 12, relating to Springfield, was brought up again by the Representatives of Springfield, and several votes of the town referring to the said lands, with a message from the House desiring further consideration to be had thereof, and the papers being read and a debate had thereupon, ordered that the said resolve without any alteration, together with the said papers, be returned back to the House of Representatives.

March 16. Resolve of the Representatives, sent up, was agreed to, that 35*l*. each be paid to Thomas Brattle and Capt. Timothy Clark over and above what was granted them the last session for laying out the money for fortifying Castle Island, there being thro' mistake so much less given to them than was intended. The Committee for fortifying the said Island is hereby impowered to direct the laying out the money further granted this session for fortifying the said Island, the direction of the worke to be under Col. Romer.

H.E. communicated to the Council a letter from Richard Waldron, giving an accompt of the behaviour of the Indians that was lately in at Cochecha, and the jelousy he had of some ill-design intended by them. And H.E. proposed his intention of sending two companies of souldiers to the number of 100 men to appear in the Eastern country, and to march between Wells, Saco and Cascobay, and on the head of the frontiers to Haverhill, to secure the English in case the Indians should be debauched by the French to rise, and to cover and secure the Indians against the insults of the French for their fidelity and steadiness to the English in keeping their articles lately made. Message sent down to the Representatives to acquaint them with the said affair, who returned their thanks to the Governor for his care to preserve the peace with the Eastern Indians, and that they think it highly reasonable, that H.E. please to put in execution his purpose of marching 100 men into the frontiers, and that this House shall due [*sic*] their duty towards their subsistance. The Council declared their satisfaction with this message.

1703.

Joint-Committee appointed to consider the proposals of James Russell and William Payne, Collectors and Receivers of the duties of impost, for further provision to be made in the law to secure the payment of the said duties.

Committee appointed to prepare and bring in a Bill that bullion and plate of sterling alloy shall pass at 7*s*. the ounce.

March 17. Message sent down to enquire whether the Representatives had consideration of the grant made by the last Assembly of 6,000*l*. as a fund for the 5,000*l*. in bills of credit ordered to be emitted. The House replied that they had.

An accompt of charges for making the bills of public credit was presented by the Committee for that affair. Ordered, that the said gentlemen receive the thanks of this House for their faithfulness, care and prudence in managing thereof, and the said account with the aforesaid order, was sent down to the Representatives for their concurrance, and first to pass upon the accompt.

Resolves of the Council upon the petition of Springfield, March 12, was sent back by the Representatives with their concurrance to the last paragraph only.

Memorial of William Chalkhill, one of the monyers of H.M. Mint in the Tower of London, now resident in Boston, proposing that, if the Government think fit, he would undertake to bring over hither 10,000*l*. in copper money at such prices and values as shall be agreed upon, was sent up and read.

Bill for passing of plate of starling alloy, in payments, at 7*s*. per ounce, brought in, which was read a first, second, and third time, and, with some amendments, was passed to be sent down. [*C.O.* 5, 789. *pp.* 798-802.]

March 16. **461.** Daniel Mackenin, a Protestant inhabitant of Antigua, to the Council of Trade and Plantations. ¼ *p. Enclosing*,

461. i. Petition of D. Mackenin to the Council of Trade and Plantations. William Bridges, Esq, being seized in fee of certain Plantations in Antigua in trust for Mr. Thomas Trant, a Roman Catholick deceased, the said William Bridges (at the instance and request of the said late Thomas Trant) by his Letter of Attorney duly executed bearing date in or about the month of November 1698 did constitute and appoint Mr. Gerrett Trant of Monserate, Mr. David Rice, and Mr. Thomas Trant, the younger, then of London, or any two of them, to be his lawfull Attorneys as well to manage the said Plantations as also to sell the same out right, or to demise and lett the same to such person or persons, and at such rent or rents, and under such covenants and reservations and for such terme and time, as the said Attorneys should think fit and convenient. Accordingly in June 1702, two of the said Attornys (being Papists unknown to the said Daniel Mackenin) did by their deed indented demise one of the said Plantations called Goldengrove to the said Mackenin for the term of 99 years at the

yearly rent of 100*l.*, being the most that then could possibly be had for it, by vertue whereof the said Mackenin entred upon the said Plantation, and since has defrayed, and laid out, in improving the same, the summe of 300*l.* and upwards. In April 1702, before the making of the said lease, an Act past at a Generall Assembly held at the Island of Nevis entituled an Act to prevent Papists, and reputed Papists, from settling in any of H.M. Carribbée Leeward Islands in America, whereby all papists are disabled to act as Attorneys, Agents, or Overseers in any of the said Islands, which said Act is now lodged with the Council of Trade and Plantations in order to have the same ratified in England. By the particular laws or customes of the said Islands all Acts of their General Council past and made for the said Islands are to hold good and valid (without the royal assent and approbation) for the space of three years from the time of the making of them (unless repealed in England) and no longer, unless ratifyed in England. [*Note in margin ? by William Popple:* This is not so.] By means of which said Act, the said Attorneys, and other envious persons of the said Island of Antigua combining and confederating together, how to defraud, and eject the said lessee out of his said farm, pretend and give out in speeches, that the said lease (so made by the said papish Attorneys to the said lessee, during the disability imposed by the said Act) is void: Although the said lessee at the time of his taking the said lease did not know them to be Papists, neither were they before nor ever since convicted thereof, and the said confederates having informed the Honble. Coll. Codrington Governor of Antigua of the premisses, they all unanimously and dayly threaten to turn the said lessee out of his possession by force of the said Act, which will be to his very great damage and loss, and is at present to his great hindrance. It's therefore most humbly hoped that in tender consideration of the premisses and of the hardship and surprize put upon the said Daniel Mackenin, a Protestant, in this case, the Council of Trade and Plantations will be pleased to represent it to the Queen's most excellent Majesty to the end the said Act may be speedily repealed before the said Mackenin may be further a sufferer thereby: and the rather for that it tends to depopulation and great hindrance of trade. *Endorsed*, Recd. Read March 16, 170$\frac{2}{3}$. 1$\frac{1}{4}$ *pp.* [*C.O.* 152, 5. *Nos.* 20, 20.i.; *and* 153, 8. *pp.* 143-146.]

March 17. London. **462.** John Richardson, Rector of Derrylauran, co. Armagh, to the Council of Trade and Plantations. Having engaged a Colony of 500 persons to transplant themselves either to Virginia or Maryland, as this Board will be pleased to direct, he represents that the said Colony are only able to advance 5,000*l.* towards the charge of their transportation and settlement there, and 5,000*l.* more will be necessary, for the obtaining of which they humbly request the recommendation of this Board to H.M. bounty. *Signed,* Jo. Richardson. *Endorsed,* Recd. Read March 17, 170$\frac{2}{3}$. 1 *p.* [*C.O.* 5, 1313. *No.* 17.]

March 17. **463.** Lord High Treasurer's Orders for payment of quarter's salaries due to the office of the Board of Trade Xmas, 1702. *Signed,* Godolphin. *Endorsed,* Recd. March 18th, 170$\frac{2}{3}$. 4 *pp.* [*C.O.* 388, 75. *Nos.* 69-72.]

[March 17.] **464.** Account of sums chargeable on Capt. Nanfan by the officers of New York. Total, 202*l.* 11*s.* 9*d.* 1 *p.* *Annexed,*

464. i. List of the accoutrements wanting for the Four Companies. $\frac{1}{2}$ *p.* *The whole endorsed,* Recd. Read March 17, 170$\frac{2}{3}$. [*C.O.* 5, 1048. *Nos.* 43, 43.i.]

[March 17.] **465.** An abstract of Respit money and short subsistence in Lord Ranelagh's, Lord Cornbury's and Capt. Nanfan's hands, belonging to the Four Companies at New York. 1 *p.* *Endorsed as preceding.* [*C.O.* 5, 1048. *No.* 44.]

[March 17.] **466.** Mr. Thrale to the Council of Trade and Plantations. Reply to Mr. Champante's answer to his memorial (March 15). The 137*l.* 5*s.* 6*d.* he claims ought not to be allowed, as he has never paid it. As for his pay and clearings, they ought not to be paid out of this Fund etc. If he loses by the protest of bills, it's his own fault to draw bills when he has the money in his hands to answer that service. *Begs* that Mr. Champante be directed to bring in an account of the particulars and cost of the cloathing last supplied by him, that I may know the state of the Companies on that head, in order to a further supply of the necessaries that were omitted to be sent over by Mr. Champante. *Begs* for their Lordships' Report to the Lord Treasurer of the necessity the forces are in (not only of that, but as much more) cloathing as the offreckonings disingaged can furnish. There is an absolute necessity of 80 recruits being sent to New York to fill up the Companies for the good of the service, and I desire that the Respit money in Capt. Nanfan's and Lord Cornbury's hands may be applied to that use. I am likewise to desire an Order may be made for Capt. Nanfan to account with the Staff Officers at New York, and pay them out of the 10 per cent. in his hands, and also that the establishment of the Companies may be laid before H.M. for its renewal by your Lordships. *Signed,* Jno. Thrale. *Endorsed,* Recd. Read March 17, 170$\frac{2}{3}$. 2 *pp.* [*C.O.* 5, 1048. *No.* 42; *and* 5, 1119. *pp.* 424-428.]

March 17. **467.** Mr. Thurston to the Council of Trade and Plantations. Presents accounts of things necessary to be sent for the soldiers at Newfoundland, prays that the Company may be cleared, and that the value of goods lost on shipboard may be allowed out of contingencies. *Signed*, J. Thurston. *Endorsed*, Recd. Read March 18, 170¾. 5 *pp.* [*C.O.* 194, 2. *No.* 109 ; *and* 195, 3. *pp.* 199-203.]

March 17. At the House of Anthony Penniston at the Flatts. **468.** Minutes of Council of Bermuda. Upon reading a letter of March 11 from George Larkin to Capt. John Peasley, Captain of the Castle, ordered that the Justices of the Peace in these Islands do convene together here by 8 a.m. on Friday next, then and there to take and receive such proofs as George Larkin has proposed to make in his said letter, and also that Mr. Larkin have forthwith notice to be then and there present with Capt. Peasley. [*C.O.* 40, 2. *pp.* 54, 55.]

March 17. **469.** Minutes of Council in Assembly of Jamaica. Bills sent up March 16, to enable the Justices of St. Georges *etc.* ; to divide the parish of St. Elizabeth ; and to settle annuities *etc.*, read the first time and second time.

Bill to confirm the will of John Thomas rejected.

Conference appointed upon the Bill for dividing the parish of St. Elizabeth.

March 18. Col. Lowe reported from the Conference that the Committee of the House told the Committee of the Council that the House had just past a resolution not to give any allowance of quarters or subsistance to the officers and thereupon the Committees broke up. Upon which the Governor desired the Board to give their opinion what should be done, who unanimously advised that the best way was to propose it at a conference with a Committee of the House to-morrow morning ; that they continue the old Bill of quarters for a fortnight or a month, and be adjourned or prorogued for that time in hopes they may return with a better mind, and that in the meantime the Bill for quartering the soldiers being of great moment may be seriously and thoroughly considered.

March 19. Conference appointed accordingly.

Col. Lawes reported from the Conference that he had acquainted the Committee of the House upon the report of what past yesterday at the Conference in relation to the resolution of the House to grant noe further subsistance to H.M. officers, the Council took it with great concerne, and thought greater difficulties would arise in advising the Governor, when required, how to subsist the same, and on some other parts of the Bill, therefore desired to meet the Council again that they might propose to the House the drawing up a short Bill to continue them on the former subsistance for a fortnight or a month longer, that the Council may have due time to consider on so important a matter.

A further Conference was appointed. Col. Lowe reported from it that the Chairman of the Committee of the House gave him the senee of the House in writing, that they had resolved to stand by their former votes and bill, and least that any difficultys may arise, the House are willing to draw up a short Bill to quarter the private soldiers as long as H.E. will be pleased to give the House leave to adjourn, it being near Easter.

1703.

Message sent down that the Governor was willing the House should adjourn for some reasonable time, provided in the interim care be taken of all the soldiers. [*C.O.* 140, 6. *pp.* 454-458.]

March 18. Whitehall. **470.** William Popple to John Champante. Enclosing copies of papers laid before the Council of Trade and Plantations by Mr. Thrale. [*C.O.* 5, 1119. *p.* 429.]

March 18. Whitehall. **471.** Council of Trade and Plantations to the Queen. Recommending the Act of New York for granting of sum of 2,000*l.* (money of that country) to Governor Lord Cornbury. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 430, 431.]

March 18. **472.** "Reasons against prohibiting trade and commerce with Spain in the West Indies to be communicated to the [? *Privy*] Council." Circular letters having been received from the Earl of Nottingham to be sent to the Governors of H.M. Plantations to prohibit all trade and commerce with the French and Spaniards, it is conceived that such prohibition of trade with the French in those parts will be very advantageous to England, and if well executed will hinder the sending our sugar and other enumerated commodities to the French in lieu of European goods, which should come from England, but that such prohibition of commerce with the Spaniards would be no less prejudicial to England, for that it will debar us from vending our native commodities to them for pieces of eight or other valuable goods, and this trade tho' in time of war may be and is carryed on with the Spaniards in a private manner, besides that if such prohibition be strictly kept to, it will throw our part of the Spanish Trade into the hands of the Dutch, who have several Plantations lying so near the Spanish Coast that altho' they may have a formal direction from the States General to the same effect, yet will they monopolize that trade undiscerned by us, without regard to the direction of the States General, on whom 'tis well known they have little dependance when the interest of Trade prevailes, in parts so remote as the West Indies. *No signature. Endorsed*, Recd. March 18, 170⅔. 1¼ *pp.* [*C.O.* 5, 3. *No.* 7.]

March 18. Whitehall. **473.** Council of Trade and Plantations to Governor Codrington. You will understand from Mr. Cary that we having lately offered to H.M. our humble opinion that you might have leave to receive the present of 1,200*l.* in Plate made you by the General Assembly of all the Leeward Islands, the same has accordingly been granted by H.M. Mr. Cary has since laid before us a copy of an Act made by the Assembly of St. Christopher's for providing 50 slaves to be presented to you, in order to begin a Settlement in that Island, and thereby to invite and induce you more particularly to be interested in the prosperity and welfare thereof, as the Act mentions, but we are not impowered by our Constitution to offer it, the Act not being under the Seal of the Island as it ought to be, and we further observe that you

1703.

are directed by your Instruction, that no money or value of money be given by any Act or Order of Assembly to any Governor or Commander in Chief otherwise than according to the stile of Acts of Parliament in England, mentioning the same to be given unto H.M. with the humble desire of the Assembly that it may be applyed to the use of the said Governor etc. if H.M. shall so think fit, or if H.M. shall not approve of such gift, that then the said mony or value of mony be disposed of as in the Act or Order of Assembly shall be mentioned; and that from the time the same shall be raised it remain in the hands of the Receivers or Treasurers of those Islands untill H.M. royal pleasure be known therein: which being considered we suppose you will not think it fit to receive the benefit of the said present untill H.M. pleasure be accordingly signifyed to you. We have also received a letter from you, dated at St. Christophers the 23d January last, wherein you express your unwillingness to name what persons you think proper to fill up vacancies in the respective Councils of the Islands under your Government; but that is a thing positively directed by your instructions and so absolutely necessary that it cannot be dispenced with. And whereas you there also mention your having removed Mr. Clayton from the Council of Mountserrat into the Council of St. Christophers and having put Mr. Dawley into the Council of Mountserrat in his stead; we must observe to you that tho' you may judge the same may tend to some conveniency in carrying on the publick service, yet it being an irregularity contrary to the tenour of your Commission and Instructions, by neither of which you have any power given you to make any alterations in the Council of those Islands otherwise than by suspending any of the members upon just cause, and supplying vacancies when the whole number of any Council happens to be under seven (not otherwise) untill H.M. further pleasure be known: We conceive therefore it ought not to be done by you, and so assuring you of our readiness to concurr with you in everything that may be for H.M. service and your particular satisfaction, we bid you heartily farewell. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior.

March 23. *P.S.*—You will here inclosed receive 2 letters from the Earl of Nottingham, relating to the French and Spaniards upon occasion of the present warr. [*C.O.* 153, 8. *pp.* 147-150.]

March 18. Whitehall. **474.** Council of Trade and Plantations to the Queen. Having received from Governor Codrington the Acts past in a General Assembly of all the Leeward Islands in December, 1701, and thereupon advised with yr. Majesty's Attorney General in point of Law, we humbly take leave to represent to yr. Majesty that one of the said Acts, being *for the better observation of the Lord's Day and suppressing of prophane cursing and swearing*, does amongst other things enact that all Acts of Parliament made or to be made in England for securing to yr. Majesty's leige people their religion, lives, liberties and properties shall be in force in all the Charribee Leeward Islands, with all the paines and penalties

1703.

therein contained, as if in that Act verbatim recited; the inserting of which clause so foreign to the title of the said Act we humbly conceive to be very irregular and the purport thereof not fit to be allowed; for that the general extent of the said clause does make all the Acts of Parliament in England at once to become laws in the Leeward Islands, whereby yr. Majesty's power and royal Prerogative will be greatly infringed, and many laws about property may be set up, which not being suitable to the state of those Islands, may create vexatious law suits and prove prejudicial to the general good and quiet of the same. For which reasons we humbly offer that yr. Majesty would be pleased to declare your disapprobation and disallowance of the said Act. And whereas another of the said Acts being *For the better and more certain support of Ministers* (upon which we have consulted the Rt. Revd. the Lord Bishop of London) instead of bringing any advantage to the clergy does appear to us to be very inconvenient and prejudicial to them, we likewise humbly offer that yr. Majesty would be pleased to declare your disapprobation and disallowance thereof. *Signed,* Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 150-152.]

March 18. Whitehall. **475.** Journal of Council of Trade and Plantations. Letter to Governor Codrington signed.

Representation to H.M., for repealing two Acts of the Leeward Islands, signed.

Representation upon an Act of New York signed.

Letters from Capt. Richards, recd. Nov. 23rd and 30th, were laid before the Board, together with a memorial from Mr. Thurston and an accompt of the necessaries wanting for the soldiers at Newfoundland. Directions given for preparing a Representation upon that whole matter.

March 19. The last named Representation was signed. [*C.O.* 391, 16. *pp.* 34-36; *and* 391, 97. *pp.* 229-233.]

March 18 (*entered* 19). **476.** Journal of Assembly of Jamaica. *See Minutes of Council in Assembly under date.*

March 19. *See Minutes of Council in Assembly under date.*

Bill for encouraging the importation of white servants was read and passed the second time.

March 20. Bill for guarding the sea-coasts of this Island read and recommitted.

Bill for encouraging the settling and building in St. Katherine's was read and ordered to lye on the Clerk's table.

William Vassall and Thomas Freeman were granted leave of absence.

See Minutes of Council in Assembly under date. [*C.O.* 140, 7. *pp.* 21-26.]

March 18. Boston. **477.** Minutes of Council of the Massachusetts Bay. 50*l.* paid to Capt. John Cutler, Commander of a new raysed Company of foot-soldiers for H.M. service, for the subsisting of himself and company.

1703.

Ordered, that the Reverend Mr. Solomon Stoddard be desired to preach a sermon to the Great and General Court or Assembly to convene in May next, upon the day of opening the said Court.

H.E. nominated Peter Thacher of Yarmouth to be a Coroner within the County of Barnstable; Joseph Otis of Situate, to be a J.P., and Justice of the Inferior Court of Common Pleas within the County of Plymouth; Samuel Partridge to be Judge of the Probate, County of Hampshire; John Pynchon, jr., to be Register of Wills, County of Hampshire; David Jacobs of Situate, County of Plymouth. The Council agreed. [*C.O.* 5, 789. *p.* 490.]

March 18. **478.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of Stephen Minot that a licence may be granted him for his new house late built upon the neck in Boston, near to Roxbury, being accommodated with stabling and other conveniences fit to entertain man and horse, sent up from the Representatives with recommendation that it be granted, was negatived.

The Representatives concurred with an Order sent down, that for the transportation of soldiers during the present war no ferryman in this province presume to demand or take any payment whatsoever, and that the said ferrymen carefully attend night and day to expedite their marches, upon the danger of being prosecuted as neglecting H.M. service and the security of the Province.

Petition of the Select-men of Mendon, praying a confirmation of a purchase of a certain tract of land by them made of the Indians in addition to their township, sent up with the recommendation of the Representatives, read. The Council resolved that they did not see meet to proceed upon this petition or any other of like nature, until there be a General Surveyor appointed and a platt taken by him of the lands from time to time petitioned for by any town or particular persons, and laid before this Court, and of record, that the Court may be knowing and certain in their grants. This resolve was sent down to the Representatives for their concurrence.

Petition of Samuel Gibson granted, and a day assigned for the hearing of his case this Sessions. The Representatives concurred.

March 19. The House requested H.E. to inform them of the mistakes committed by the Government in the affair of the College intimated in H.E.'s speech, and what he would direct in that affair. H.E. said that the mistakes referred to were the three draughts of a Charter of Incorporation for the College sent for England and there refused; and that Mr. Speaker should hear from him upon the other head of their message.

Committee upon the accounts of John Usher, late Treasurer, reported. The vouchers are in England so we could not pass anew on the said accompts, but we suppose the former Committee had seen them, and gave in their objections, which with the said John Usher, his answer lye before the House. Only we would add that by his latter accompt he chargeth the Province with 187*l.* 15*s.* 5*d.*, which was not in his first accompt, and most of

1703.

which was recovered of him at Law, and the whole paid by him, and was a charge upon the Province, and are of opinion it ought to be allowed in his accompt. The Report was accepted and sent down.

Message sent down to enquire if the Representatives were upon the consideration of the rules and methods for apportioning and raising of the tax granted by the last session as a fund for the Bills of credit ordered to be emitted. Reply in the affirmative.

Ordered that Mr. Treasurer attend to-morrow with an accompt of the present state of the Treasury.

Bill passed in Council on Wednesday [17th] that plate bullion and silver of sterling alloy should pass in payments at 7*s*. per ounce troy weight, sent down for concurrence, was sent up with the vote of that House dissenting in the enacting part, and offering another clause instead, which the Council could not agree to. The Bill was returned to the Representatives for their reconsideration.

Resolve sent up, that all soldiers wounded or taken in H.M. service, the charge of their cure shall be paid by the Province, was agreed to.

Joint-Committee appointed to consider the proposals of William Chalkhill.

Resolved, upon the petition of Benjamin Ruggles, minister of Suffield, that 100 acres of land be appropriated to the use of the ministry in the said town for ever, provided that the town do forthwith grant and lay out to Mr. Ruggles 100 acres of land in the town accommodable as may be, to the use of him, his heirs and assigns for ever. This resolve was sent down.

March 20. H.E. communicated to the Council a letter of Feb. 24 from the Governor and Council of Connecticot, intimating that they were about to mark out and notify the line lately run between that Colony and this Province to prevent future occasions of difference, desiring that this Government would join therein.

Mr. Treasurer attending with a present state of the Treasury, whereby it appears that the Province is indebted 2,226*l*. 11*s*. 3*d*. besides the growing charge, he was directed to lay the same before the Representatives.

The Representatives attending, the Speaker read their reply to H.E.'s Speech. H.E. returned thanks and dismist them. [*C.O.* 5, 789. *pp.* 802-806.]

March 19.
Whitehall.
479. Council of Trade and Plantations to the Queen. The season approaching for the usual convoys to be sent to Newfoundland, where your Majesty has one Company of Foot consisting of 80 private men besides officers, for whom all necessarys are yearly sent by every convoy, we humbly take leave to lay before your Majesty the annexed accounts of what appears to us to be wanting for the support of the said company in subsistence, clothing and provisions, for the supplying of which the most speedy orders are requisite. In relation to the provisions, being

informed by the Commander in Chief that in Newfoundland they cannot brew with malt in the winter-season, nor without difficulty in the best of weather, and that beer brewed with molosses is much wholesomer and better in that country, on which account they have been formerly obliged to exchange the malt sent from hence for mollossoes, we are humbly of opinion that accordingly the price of the malt may be sent by the Commodore in money, which may remedy the forementioned inconvenience, and likewise save the freight of malt usually sent, and the accidents to which the sending it may be subject. And we further offer that orders be given to the Commodore to do all that in him lies that the money thus remitted be not embezzled or apply'd otherwise than to the service designed. And whereas there is but one opportunity of conveyance in the year for bringing from thence the muster-rolls upon the musters to be taken by the Commanders of the annual convoys, and such muster-rolls taken by the late Commodore Leake appearing to be compleat, and remaining at present in the hands of the Commissary General, we humbly offer that there be a clearing of the said Company, for want of which they are under great discouragement. But forasmuch as we find by enquiry that upon the desertion or death of soldiers in Newfoundland, the Commanders have taken upon them to complete the companies by listing inhabitants, which is an unnecessary expence to your Majesty, and does no way strengthen the Colony, we are humbly of opinion that they be forbid so to do, and directed not to make use of any other recruits then such as shall be sent from Europe. In relation to the works which have already been began for the fortifying of St. John's Harbour, but are not yet perfected, we humbly propose that the like orders may be given us as in former years, for the seamen on board your Majesty's ships of war to assist therein, during their stay in those parts, in such manner as may not be prejudicial to the sea service. And whereas we have made frequent Representations of the want of a boom and other materials for floating and fixing a chain before the entrance of the said Harbour, which have not been provided by reason of a dispute between the Office of the Ordnance and Navy Board, notwithstanding your Majesty's Order in Council of March 17, 170½, we cannot but repeat to your Majesty the great necessity of such a boom and materials, without which the chain sent thither some time since is of no use, and the foresaid harbour lies exposed to the French at this time when they are watchful of all opportunities to possess themselves of Newfoundland. And in order to the better performance of whatsoever may be necessary for the security of the place, and the protection of that Trade and Fishery, we further humbly offer that the Commander of the Convoy to be sent thither this year, may have the like Commission to command in chief the soldiers in pay there, as has in former years been given to others, and that he may be ordered to bring back with him a true account of the number of the said soldiers and of their fitness for service. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 195, 3. *pp.* 204-207.]

1703.
March 19.
Royal College of William and Mary.

480. Minutes of Council of Virginia. H.E. appointed a Commission to administer the oaths to the Burgesses. Robert Beverley was appointed Clerk of the House of Burgesses in place of William Randolph, resigned.

H.E. communicated to the Council what he intended to say to the Burgesses.

March 20. Upon a representation from the Justices of Essex County complaining that Thomas Merriweather, Sherif of that County, hath refused to render an account to the Court of his collection, in contempt of an order of the Court, and that Francis Merriweather, Clerk of the said County Court, had refused to enter an order of the said Court, and praying redress therein, H.E. having acquainted the Council that he had ordered Thomas and Francis Merriweather to attend here on Wednesday, further consideration referred till then. [*C.O.* 5, 1412. *pp.* 45, 46.]

March 19. **481.** Minutes of Council in Assembly of Virginia. The oaths were administered to the Burgesses.

The Committee appointed for the Revisal of the Laws having finished that business, laid before H.E. the several Bills they had prepared, and prayed him to recommend them to the Assembly.

The Burgesses attending, H.E. addressed them :—I am very glad to see so many of you met. He recommended them to return and choose a Speaker, which was done.

Robert Beaverly was appointed Clerk of the House of Burgesses, and took the oaths accordingly.

March 20. John Gill and Stephen Gill, French Refugees, took the oaths appointed in order to their naturalization.

The House, attending, presented Peter Beverly as their Speaker, whom H.E. approved. They demanded, and H.E. confirmed to them, the exercise of all their ancient rights and privileges. H.E. addressing them communicated to them the glorious success of H.M. arms published in the Gazette of Nov. 1702, and proposed a Day of Public Thanksgiving. He also read H.M. Letter concerning the contribution of the Quota, " I hope in God there will be no occasion for me to use my best persuasions to incline you to a voluntary compliance, being it is the first proposal that H.M. hath made to her Assembly. I will read you H.M. proceedings in Council concerning arms and ammunition, wch. she hath been graciously pleased to order to be sent hither, by which you may see the extraordinary great care H.M. hath for your preservation, and that the sume for buying the arms *etc.* is nigh three times as much as that for New York. And if you consent (as I hope in God you will) to the 900*l.* for that place, whatever Address you shall agree upon to H.M. most sacred Majesty concerning that affair, I hope I shall not only join with you therein, but use my best endeavours that it may be obtained. That you may imitate, as far as in you lies and the nature of this Country will allow, that august Assembly the House of Commons of H.M. Kingdom of England, our Mother-Country, are not only my hopes, but my earnest prayers to Almighty God. And that you may know some of their proceedings, I shall now read you their Loyal Address to H.M. And I don't doubt but that you will agree with me that it is an extraordinary good one in all respects, and you may with them not doubt of the full enjoyment of all your rights and liberties, nor of H.M. defending and maintaining the Church as by [*law*] established *etc.*, H.M. having been always a most illustrious ornament of the Church, and hath been exposed to great hazards for it. And the value which H.M. hath been graciously pleased to set upon the love and affection of her subjects, I don't in the least doubt but it will highly oblige you to give H.M. pledges thereof in your duty and obedience, and that you will most earnestly and heartily join with the hon. House of Commons that you shall always be sensible that H.M. interest and yours are inseparable, and that you will gratefully acknowledge H.M. designs to make you safe and happy, for the full accomplishment of which I shall endeavour what in me lies, and neither cost nor pains shall be spared, nor the venturing my life for it, wch. I take to be according to the duty in all respects wch. I owe to H.M. and the extraordinary love and affection which I have for this H.M. most ancient and great Colony and Dominion of Virginia. And that our endeavours be never wanting what in us lies to make H.M. reign more prosperous and more glorious than any of H.M. Royal predecessors are my most humble and cordial prayers to God Almighty. [*C.O.* 5, 1412. *pp.* 461-465.]

March 19. **482.** Journal of House of Burgesses of Virginia. *See preceding abstract under date.*

March 20. H.E. appointed William Ballard Messenger and Macebearer to attend this House.

Committee of Elections and Privileges appointed. Petition of Christopher Neal complaining of an undue return of a Burgess for Northumberland County referred to this Committee.

And see preceding abstract under date. [*C.O.* 5, 1413. *pp.* 1-5.]

March 20.
St. James's. **483.** Order of Queen in Council. Approving Representation of March 18, and confirming the Act of New York referred to accordingly. *Signed,* John Povey. *Endorsed,* Recd. Read April 5, 170⅔. 1 *p.* [*C.O.* 5, 1048. *No.* 48; *and* 5, 1119. *pp.* 452, 453.]

March 20.
St. James's. **484.** Order of Queen in Council. Repealing and declaring void the Acts of the Leeward Islands *for the better observation of the Lord's Day* and *for the better support of ministers.* [*See* March 18.] *Signed,* William Blathwayt. *Endorsed,* Recd. 17th, Read 20 April, 1703. 1¼ *pp.* [*C.O.* 152, 5. *No.* 21; *and* 153, 8. *pp.* 163, 164.]

March 20.
St. James's. **485.** Order of Queen in Council. Approving Representation of March 19, and directing the Earl of Nottingham to signify H.R.H., the Lord High Admiral, the Lord High Treasurer and other officers therein concerned, to examine the same, to the end the several particulars, so far as shall be found necessary, be

speedily provided and sent to Newfoundland by the next convoy. The Council of Trade and Plantations are to direct the soliciting the speedy dispatch of this affair. *Signed*, William Blathwayt. *Endorsed*, Recd. Read March 23, 170$\frac{2}{3}$. $\frac{3}{4}$ *p*. [*C.O.* 194, 2. *No.* 110 ; *and* 195, 3. *p.* 208.]

March 20. St. James's. **486.** Order of Queen in Council. Approving of the Instructions of Governor Seymour, and directing them to be prepared for H.M. signature. *Signed*, Wm. Blathwayt. *Endorsed*, Recd. Read April 5, 1703. $\frac{3}{4}$ *p*. [*C.O.* 5, 715. *No.* 72 ; *and* 5, 726. *p.* 255.]

March 20. Whitehall. **487.** R. Warre to William Popple. *Signed*, R. Warre. *Endorsed*. Recd. Read March 22, 170$\frac{2}{3}$. *Addressed*. 1 *p*. *Enclosed*,

487. i. Circular letter from [? *the Earl of Nottingham*] to the Governors of all the Plantations. Feb. 25. Whitehall. War having been declared in the West Indies as well as in Europe in pursuance of H.M. Orders against the Spaniards, H.M. would have your Lordship be very rigorous and severe in preventing any ammunition or stores of any kind from being carryd to them, and would have your Lordship use all proper methods that may be most effectual for this purpose. 1 *p*.

487. ii. Circular letter from [? *the Earl of Nottingham*] to the Governors of all the Plantations. March 20, 1703. H.M. having considered the ill practice of the merchants and planters in the West Indies during the last war in corresponding with the French, not only in trading with them but in carrying intelligence to them to the great prejudice and hazard of the English Plantations, I am commanded to acquaint your Lordship that by all possible methods you must endeavour to hinder all manner of trade and correspondence with the French, whose strength in the West Indies gives very just apprehensions of the mischiefs that may ensue if the utmost care be not taken to prevent them. 1 *p*.

487. iii. List of the Governors to whom the above letters were sent. 1 *p*. [*C.O.* 323, 5. *Nos.* 10, 10.i.-iii. ; *and* 324, 8. *pp.* 226, 227.]

March 20. Boston. **488.** Minutes of Council of the Massachusetts Bay. H.E. being informed that a considerable number of Frenchmen from Cannada are lately arrived at Port Royal, for the manning out of privateers, to infest and annoy this coast, and that two private men of war are lately fitted and set forth from that place to make spoils and depredations upon H.M. subjects and their estates ; Advised that H.E. emit a Proclamation for laying an embargo upon all outward bound ships and vessells until further order ; that the *Greyhound*, Capt. Andrew Wilson, be forthwith taken up, equipped and fitted out on H.M. service, for guarding of the coast, and the securing of navigation ; that Jeremiah Dummer and the other owners of the said ship be desired forthwith to prepare and fit the said ship for the sea, and to direct the working upon her to-morrow [*Sunday. Ed.*], if need be; that Andrew Belcher be directed to victual the said ship, and to put in provisions for seventy men for the space of one month. [*C.O.* 5, 789. *p.* 493.]

March 22. **489.** Mr. Champante to the Council of Trade and Plantations. I am not at all surprised at the ill account your Lordships have received of the last cloathing sent to New York; I had the honour to know my Lord Cornbury very well before he left England, and from the several differences between us, I could not expect a better representation then I find is come. The cloathing were consigned to H.M. Governor in Chief, as by the Bill of Lading, which his Lordship is pleased to term a scrap of paper etc., will appear. A private commission, unknown to Mr. Nanfan, was issued for the examination of them, the first of which was M. Fauconier, a Frenchman and a bankrupt here, though now thought by his Lordship the properest manager of H.M. Revenue there *etc. Refers* to the ordering of the cloathing; *see* Cal. 1701. The clothese were as good as any and better then the most ever bought for that service, as the tailor and packer can satisfy your Lordship. I also had them examined by several gentlemen (names given) who compared them with the respective sealed patterns *etc. Signed,* J. Champante. $3\frac{3}{4}$ *pp. Annexed.*

489. i. Charges and rates of the double cloathing provided for the Four Companies of New York. 1 *p. The whole endorsed,* Recd. Read March 23, $170\frac{2}{3}$. [*C.O.* 5, 1048. *Nos.* 45, 46; *and* 5, 1119. *pp.* 432-438.]

March 22. Whitehall. **490.** Journal of Council of Trade and Plantations. The Lord Baltimore presented to the Board the draught of a proviso to be added to an Act of Maryland for setling the bounds of land, in order to the preserving of his rights, which he conceives to be thereby infringed, as likewise a paper of reasons against another Act for *securing executioners and administrators from double paying of debts,* which being read their Lordships acquainted him that the same ought to be considered by the Governor and Council in Maryland and their answer received before any report can be made here, whereupon he withdrew the said papers in order to some alterations, which may make them more fit to be transmitted thither.

Letter from Mr. Warr with enclosed circular letters to some of the Governors of Plantations, read. Ordered that the Secretary acquaint Mr. Warr that it may be requisite the like letters be sent to Bermuda as likewise to all the Proprietary Governments.

Two Instructions to Col. Handasyd relating to the setling of the Revenue in Jamaica, the one to be communicated to the Council and Assembly, the other for his own private direction, being also received from Mr. Warr, ordered that the same be enclosed in the letter already directed to be writ to Col. Handasyd.

Their Lordships entered upon the consideration of the Order of Council of March 4 relating to the salaries of Governors, and gave some directions in order to the preparing a report thereupon.

1703.

March 23. The Secretary laid before the Board a letter which he was lately ordered to write to Capt. Lilly, which was approved of and ordered to be sent.

Letter to Lt.-Governor Handasyd signed.

Ordered that a postscript be added to the letter to Governor Codrington of the 18th inst.

Ordered that the Secretary write to Governor Sir Beville Granville.

Mr. Attorney General's opinion upon an Act of the Leeward Islands for naturalising Col. Hamilton read. Representations thereon signed.

Mr. Champante presented his answer to the extract of Lord Cornbury's letter of Dec. 12, together with an invoice of the cloathing, which were read. He further laid before the Board Mr. Attorney General's opinion relating to actions brought by Col. Bayard and Alderman Hutchins of New York against the Judges or the Grand Jury by whom they were lately tried, which was also read. Their Lordships agreed to transmit the same to the Lord Cornbury, that he may take such care therein as may be proper.

The Lord Viscount Weymouth acquainting the Board that Mr. Hodges, who some time since had frequently attended this Board in relation to some concerns in Barbadoes, being now about to repair thither, did desire their Lordships' letter of recommendation to Governor Sir B. Granville, that he may have fair and impartial justice done him in any suits of Law which he may there have occasion to prosecute, a letter was accordingly ordered to be prepared.

Order of Council, March 20, read, whereupon Mr. Thurston, Agent for the Companies at Newfoundland, was ordered to attend to-morrow.

Order of Council, Dec. 17 last, read.

Two Orders of Council, Jan. 14, read.

Order of Council, Feb. 25, read.

Order of Council, March 4, approving an Act of the Leeward Islands, read.

March 24. Other letters being sent hither from the Earl of Nottingham's office to the Proprietors etc. to the same effect as those mentioned March 22, ordered that postscripts be added to letters to them for transmitting the same.

Ordered that a copy of Mr. Champante's memorial relating to the cloathing last sent by him to N. York, and of the invoice annexed to it, be given to Mr. Thrale.

Ordered that a letter be prepared from the Board to the Lord Cornbury to inclose to him Mr. Attorney General's opinion about actions brought by Col. Bayard and Alderman Hutchins.

Mr. Thurston attending according to appointment, a copy of the Order of Council, March 20, relating to the defence and security of Newfoundland and the supplies to be sent thither this season, was delivered to him, and he was directed by their Lordships, pursuant to the said Order, to solicite the speedy despatch of that affair through all the offices as necessary, and give a frequent account thereof to this Office.

1703.

Their Lordships agreed upon the draught of a report relating to the affairs of New York, and ordered it to be transcribed. [*C.O.* 391, 16. *pp.* 36-45; *and* 391, 97. *pp.* 237-246.]

March 22. **491.** Journal of Assembly of Jamaica. Bill for quartering the private soldiers was read and past the first and second time.

Message sent up to the Governor and Council to desire that no more disbursements or provisions may be allowed pursuant to the request and vote of this House on Jan. 14, except what shall be for the support and maintenance of the soldiers at H.M. Forts remaining on the place where Port Royal stood.

March 23. Act for continuing H.M. private soldiers in quarters was read and passed the third time and sent up.

Amendments to the Bill for encouraging the importation of white servants, read, and passed the first and second and third times and sent up.

Bill to impower Commissioners to inquire into the proceedings on laying the taxes at Port Royal was read the first and second times. [*C.O.* 140, 7. *pp.* 27, 28.]

March 22. **492.** Minutes of Council of Virginia. H.E. communicated the letters from the Council of Trade, Nov. 4, 1702, and from H.M. Aug. 20, signifying that he should cause 3,388*l.* 3*s.* 4*d.*, the cost of stores of war ordered to be sent, to be paid out of H.M. revenue of quit-rents by transmitting bills of exchange. Warrant signed on Mr. Auditor for said sum.

H.E. communicated H.M. proclamation for a Thanksgiving (Nov. 11), and what he intended to say to the House of Burgesses on that subject *etc.*

The Board taking into consideration that there are diverse ships left in this country not yet loaden, and conceiving it necessary for their security in their return for England, ordered that an embargo be laid until May 13th. The Council was of opinion that the ships of this country and Maryland should sail together, and to that end that the President and Council of Maryland be acquainted with these proceedings. Capt. Bostock, *Eagle* advice boat, was despatched back to Maryland to forward the ships there with this object. He was recommended to careen there.

Upon reading a letter to H.E. from the President and two of the Council of Maryland, together with diverse affidavits transmitted therewith relating to diverse irregular and unwarrantable proceedings and actions of Capt. Nathaniel Bostock, ordered, in compliance with their desire as well as for the above reasons, that he return to Maryland, that he may there be called to account.

March 23. John Low of the County of Nansemond by his petition complaining of diverse abuses offerred to him by Daniel Sullivan and Henry Jenkins in beating and threatening him, the said complaint is referred to H.M. Council at Law, to prosecute the said Sullivan, Jenkins being a member of the House of Burgesses.

The similar complaint of Jenkins against Low and Thomas Godwin and his son Joseph Godwin, was referred to H.M. Council at Law to prosecute them.

1703.

Ordered that the Naval officers make up their accounts with the Treasurer to the 25th of this month.

March 24. A Proclamation for a day of Publick Thanksgiving, for the great and glorious successes of H.M. arms by sea and land, was approved. [*C.O.* 5, 1412. *pp.* 46-49.]

March 22. **493.** Minutes of Council in Assembly of Virginia. The Assembly attending, H.E. addressed them:—H.M. hath been graciously pleased to honour me with her Royal commands concerning a Public Day of Thanksgiving, which I will read to you. It is a very great satisfaction to me that what I proposed to you on March 20th is agreeable to H.M. commands. I will read you part of a letter I have received from the Council of Trade and Plantations, and H.M. Order for 3,000 odd pounds for stores and provisions of war. I recommend to you what their Lordships write about servants when free having a gun and 20*s*. I design, God willing, to go to meet their Excellencies Governor Lord Cornbury and Governor Dudley either soon after the General Court, or in the Fall, and when we meet I hope I shall endeavour what in me lyes that it may be for the advantage etc. of this Dominion. I do most heartily recommend to you to consider of the ways and means of my doing of it. What their Lordships were pleased to recommend to my care to encourage the Natives of this Country for the fitly qualifying themselves for the office[s] thereof, I do most cordially recommend to you, one way to accomplish which I think will be by encouraging H.M. Royal College of William and Mary, the accounts of which are lately adjusted by a Committee of the Trustees and Governors thereof, and I think that I ought to let you have them that you may see how the money *etc.* hath been disposed of, and therefore now give them to the Honble. Mr. Speaker. Another way will be by establishing to the several offices such salaries, fees *etc.* as that they may live comfortably and genteely upon them. I recommend to you a petition presented to me, and give you the Report of the Committee for Revising the Laws, with the said Laws, but whether you will go upon them now or refer them to some other time, I wholly leave to yourselves.

The House prayed for a new writ for election of a Burgess of Surry County, Major Tho. Swan elected for both Surrey and Nansimond Counties, having chosen to sit for the latter.

March 23. Paul Hurrelson, an alien, took the oaths appointed in order to his naturalization. His petition therefor was referred to the Burgesses.

A petition of the French Refugees at Manican Town, and a petition of John and Stephen Gill for naturalisation, referred to the Burgesses.

Petition of Mrs. Mary Rider, praying that the Keeper of the Ferry at Hog Island may be prohibited to land his passengers on her Plantation read, and referred to the Burgesses.

Petition of John Holt for the keeping the Ferry from Hogg Island to Archershope referred to the Burgesses.

The Burgesses acquainted the Council that they had appointed Thursday in Easter week for a day of Public Thanksgiving. H.E. concurred.

March 24. *See preceding abstract under date.*

Grievance of King and Queen County referred to the Burgesses.

Petitions of James Minge and David Stoner, Edward Ross, Thomas Francis and John Goodale referred to the Burgesses. [*C.O.* 5, 1412. *pp.* 465-469.]

March 22. **494.** Journal of House of Burgesses of Virginia. Upon the report of the Committee of Elections, the House resolved that the following Burgesses were duly elected :—

Col. William Randolph and Capt. Francis Epps, for Henrico County.

Richard Bland and Capt. Joshua Winn, Charles City County.

Capt. Nathaniel Harrison and Major Thomas Swan, Surrey County.

Capt. Arthur Smith and Thomas Giles, Isle of Wight County.

Major Thomas Swan and Capt. Henry Jenkins, County of Nansemond.

Col. James Wilson and Thomas Hodges, County of Norfolk.

Col. Edward Moseley and Major Adam Thorowgood, Princess Anne County.

Major Anthony Armistead and Capt. William Armistead, Elizabeth City County.

Col. Miles Cary and Capt. Robert Hubbert, Warwick County.

Capt. Thomas Barbar and Lt.-Col. Thomas Ballard, York County.

Benjamin Harrison and George Marable, James City County.

Joseph Foster and James Mosse, New Kent County.

Col. John West and Capt. Thomas West, King William County.

Col. William Leigh and William Byrd, King and Queen County.

Major Peter Beverley and Lt.-Col. James Ranson, Gloucester County.

Col. Gawin Corbin and Edwin Thacker, Middlesex County.

James Baughan and Richard Corington, Essex County.

Capt. William Robinson and Major David Gwyn, Richmond County (but that the Sheriff, William Downman, be sent for in custody of the Messenger of this House to mend the return, the words not being agreeable to law. But that the Speaker do not issue his warrant until further order).

Capt. Rice Hoe and Capt. Richard Fossaker, Stafford County.

Charles Ashton and Henry Ashton, Westmorland County.

John Burbervise and Capt. William Ball, Lancaster County.

And see preceding abstract under date.

Petition of Thomas Godwyn, jr., complaining of an undue election in Nansemond County read and referred to the Committee of Elections.

Petition of the freeholders of James City that a writ may issue for election of a Burgess for the said City according to Law and their usual privilege was debated, and refused.

1703.

Richard Morris, John Remington, Anthony Evans and Richard Strickland appointed doorkeepers.

A Committee for Public Claims appointed, and a Committee for Propositions and Grievances. Resolved, that all propositions, grievances and public claims be brought into the House by Monday next, or not to be received this Session.

March 23. Several claims and propositions referred to Committee.

And see preceding abstract under date.

March 24. Upon report of the Committee of Elections, resolved that James Waddy, Sherif of Northumberland County, be sent for in custody of the Messenger to answer the charge of Christopher Neale for an undue return of John Harris, Burgess for the said County.

Resolved that Capt. Henry Jenkins is duly elected Burgess for Nansemond County, and Benjamin Nottingham and Jacob Johnson Burgesses for Northampton County.

Several claims, petitions and grievances referred to the Committees.

And see preceding abstract under date.

Petition of David Stoner referred to next Session. [*C.O.* 5, 1413. *pp.* 6-16.]

March 23. Whitehall. **495.** Council of Trade and Plantations to the Queen. We herewith humbly lay before yr. M. an Act past in the General Assembly of yr. M.'s Leeward Charibbee Islands entituled *An Act to naturalize Coll. Walter Hamilton* upon which we have consulted your Majesty's Attorney General in point of law; and finding that the effect of the said Act will reach no further than to confer on the said Hamilton the priviledges of a natural born subject of England within the said Islands only, and being also informed that the said Hamilton has signalized himself in divers occasions for the service of the Crown in those parts, and particularly in the late occasion of St. Christophers, we humbly offer that yr. Majesty would be pleased to confirm the said Act with your royal approbation. *Signed,* Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *p.* 155.]

March 23. Whitehall. **496.** Council of Trade and Plantations to Governor Handasyd. We have received your letter of Feb. 3rd, which is the first letter we have had from you; though we have understood from other hands, that it was then about two months since you had taken upon you the administration of the Government of Jamaica, pursuant to H.M. commission in that behalf. We did expect after your entrance on that Government to have had a more particular account of all things relating thereunto, as well with respect to the Civill as Military part thereof, pursuant to his late Majesties commission and instructions to Brigadeer Selwyn, by which you are directed to act; but this letter gives us no account of anything whatever. If you had already writ anything of this kind by a former letter, which may have miscarryed, you ought to have sent a duplicate thereof by some other conveyance, which is a rule directed by your instructions to be constantly observed. In this letter you mention indeed the fire that happ'ned at Port Royal Jan. 9th, but so little you say of it to us, as does not answer so extraordinary an occasion, and tho' you send us the foresaid Minutes of Councill which doe in part relate to some proceedings upon that accident, yet you do not acquaint us with the effect of those proceedings, nor do you send us the Journal of the Assembly as you are directed by your instructions. We must also observe to you, that in the foresaid Minutes of the Journal of the Councill, we observe an order in the words following, vizt.: *Ordered, that the Receiver General buy up two pipes of Madera, two hoggsheads of ale, glasses, pipes, tobacco and candles, to be put and remain in the King's house for the use of the Governour.* And likewise another order in the words following vizt.: *Ordered that the Receiver General buy up for the use of the Governour a handsom bed and bedstead, with all other furniture suitable for a lodging room, and that the Receiver General and Mr. Morton immediately take care about it*; which are matters not fitly treated of in Councill, nor is the Queen's revenue to be disposed of to particular persons; so that we desire you to explain the occasion of those orders which seem to us very irregular. We send you here inclosed two instructions under H.M. Signet and Sign Manual, relating to the setling the Revenue of Jamaica, one of which you will observe is to be communicated to the Councill and Assembly; the other is only for your own private direction in case the Assembly do not comply with what is required by yt, which you are to communicate. Your utmost care and dilligence is therefore requisite in observing the directions thereby given you, a good conclusion of that affair being of the highest importance for H.M. service in that Island. And whereas by one of H.M. said instructions, you are directed to send a vessell express to Europe with information of your success therein, we judge it may suffice that you take the first opportunity of Mr. Dummer's packet-boat to give H.M. information of that matter.

Further you will here inclosed receive two letters from the Earle of Nottingham. *Signed*, Weymouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *pp.* 429-432.]

March 23. Whitehall. **497.** William Popple to Governor Sir B. Granville. The inclosed letters from the Earl of Nottingham, relating to the French and Spaniards upon occasion of the present warr, having been communicated to the Council of Trade and Plantations, and left with them to be sent forwards; their Lordships have commanded me to put them both under one cover, as I now do. *P.S.*—I am directed in the same manner to desire your care in sending forwards inclosed letter to the Lieut.-Governour of Bermuda. [*C.O.* 29, 8. *p.* 294.]

March 23. **498.** William Popple to Capt. Lilly. The Lords Commissioners for Trade and Plantations have ordered me to acknowledge the receipt of your letter of Feb. 3rd, and to acquaint you that

1703.

they are very well satisfyed with your care, in giving them so particular an account of the late fire at Port Royal; they also further desire you from time to time (especially upon extraordinary occasions) to continue to give them any information which you may judge proper for their knowledge in order to H.M. service, assuring you that the same will be always very acceptable. [*C.O.* 138, 10. *p.* 433.]

March 23. **499.** Minutes of Council in Assembly of Jamaica. Resolution of the House sent up desiring that no more disbursements be allowed pursuant to the vote of this House on Jan. 14, except what shall be for the support and maintenance of the soldiers at H.M. Forts remaining on the place whereon Port Royal lately stood.

Bills to continue H.M. soldiers in private quarters, and for the better encouragement of the importation of white servants sent up.

Ordered that Col. Lawes, Col. Lowe and Col. Sadler be summoned to attend the Board to-morrow to the end there may be a full Council to consider it.

March 24. Mr. Jenkins and Mr. Quelch were sworn to give their accounts to the Assembly of provisions furnished to the poor and the soldiers at Port Royal.

Bill to continue soldiers etc. read the first, second and third time and passed.

Bill to impower Commissioners to inquire into the payment of taxes at Port Royal sent up.

Message sent up inquiring what has become of several Bills that have been sent up by the Assembly, Easter being so nigh.

March 25. The House attending, the Governor passed the Bill to continue H.M. private soldiers in quarters, and then prorogued the Assembly till April 12. [*C.O.* 140, 6. *pp.* 458-460.]

March 23. **500.** Minutes of Council in Assembly of the Massachusetts Bay. Report upon the proposals of James Russell and William Payne read.

March 24. H.E. communicated to the Council H.M. commands for a Publick Thanksgiving for the glorious successes of H.M. arms. Advised, that April 8 be the day appointed.

Ordered that the report read yesterday be drawn into a Bill.

The Representatives concurred with the vote concerning Mr. Ruggles, March 19.

Order of the Representatives upon the petition of the town of Hatfield, appointing a Committee to discover the bounds, and to run the line betwixt Hatfield and North Hampton, read and concurred with so as that a General Surveyor be appointed, and that he or his Deputy join with the said Committee therein and report the same.

Bill for further continuing of the apportioning of the tax granted by Act of Assembly at their last Session, sent up, was read a first time.

1703.
March 25. Bill, in addition to the Acts now in force for granting and continuing several duties, was read three times, passed and sent down.

Bill, for continuing of the apportioning of the tax granted by Act of Assembly at their last Session, was read, debated and, with some reform proposed, sent down.

Bill sent up for better inquiry into the rateable estate of the respective towns, in order to regulate the public taxes, was read twice and negatived. The Bill was sent back to the House with a message proposing another method.

A motion was sent up from the Representatives for essaying the taking of Port Royal and places adjacent, and read.

Message sent down, desiring that the said motion may not be discoursed of out of the House, and to be informed whether the House be unanimous therein and have a prospect that the encouragement proposed will take in their countrys, H.E. apprehending that 1,000 men and two ships of good force may be sufficient for that service, being joined with some of the privateers.

4*l*. paid to Daniel Smith, of Charlestown, gunsmith, for new muskets and mending arms for a detachment of soldiers against the Indian enemy in the time of Sir Edmund Andros.

A resolve for the establishment of officers and soldiers' wages, sent up, was read. [*C.O.* 5, 789. *pp.* 806-808.]

March 24. **501.** Attorney General to the Council of Trade and Plantations. In obedience to your Lordships' commands signifyed to me by Mr. Popple Jan. 28th, I have considered of the matters to me referr'd, and do find that King James I by Letters Patents under the Great Seal of England bearing date at Westminster Nov. 3rd, in the eighteenth year of his reign, did give, grant and confirm to severall persons (by the name of the Councill established at Plymouth in the county of Devon for the planting, ruling, ordering and governing of New England in America) who were thereby incorporated by that name, and their successors and assigns for ever, all that part of the main land in America, lying between the degrees of 40 and 48 north latitude, to be held in fee as of the Mannor of East Greenwich in the county of Kent, with many great priviledges, royalties and immunityes under certain conditions and limmitations in the said Letters Patents expressed, and that John Mason Esq. by virtue of a grant from the said Corporation under their Common Seal, bearing date Aprill 22, 1635, was estated in Fee of sundry great tracts of land in New England (then intended to be and since called by the name of New Hampshire) to be enjoyed as fully and freely to all intents and purposes whatsoever as the said Corporation by vertue of the said Letters Patents might have held and enjoyed the same as by the said Letters Patents and grant it may and doth appeare. Samuell Allen Esq. is well entituled to the said Province of New Hampshire by virtue of a Grant bargain and sale thereof to him made in or about the month of Aprill, 1691, by John Tufton Mason and Robert Tufton Mason who were

1703.

entituled to the same under the will of the said John Mason. Therefore I am humbly of opinion that the said Samuell Allen (assignee of the said John Tufton Mason and Robert Tufton Mason) hath by vertue of the said grants a good title to the waste lands in the said Province of New Hampshire, and that all lands lying uninclosed and unoccupyed are to be reputed waste lands, and the said Mr. Allen may enter into and take possession of the same, and that if he be disturbed in the possession thereof it would be proper for him (H.M. having Courts of Justice within the said Province) to assert his right and punish the trespassers, by legal proceedings in those Courts, and that it will not be proper for H.M. to interpose in this matter, unless the question concerning the right come before H.M. by appeal from the judgements, that shall be given in the Courts in the said Province, save that it may be reasonable, as I conceive, to direct that, (if Mr. Allen insist on it) on the tryalls that may be had for settling his right to the said Province, the matters of facts relating to his and the title of others claiming the same lands may be specially found by the Juryes that shall be impannelled in the said tryalls, that the matters of fact may appear before H.M. if appeals shall be made from the judgements that shall be given in the said Province. *Signed*, Edw. Northey. *Endorsed*, Recd. March 25th, Read April 25, 1703. 2 *pp.* [*C.O.* 5, 863. *No.* 14; *and* 5, 910. *pp.* 446-449.]

March 24. Whitehall. **502.** H.R.H. the Lord High Admiral to the Queen. H.M. having been pleased by her Order in Councill, to referr unto me the Petition of Sir Matthew Dudley, Barronet *etc.*, setting forth that they and many other H.M. subjects, being informed and fully satisfyed that all sorts of naval stores might be made and produced within H.M. Territories and Dominions of New England or Plantations adjacent; and that several gumms, mines and minerals were discovered and might be wrought there, and being of opinion that such naval and other stores will be of great service and benefit to the Crown and this nation, especially in times of war, and therefore being ready and willing at their own charge to begin and carry on a design so usefull to the publick, they humbly pray a Charter of Incorporation for the purposes aforesaid, under such name and with such priviledges as shall be necessary; I have considered of the allegations, and desires of the aforesaid gentlemen, and as I must entirely submit that part thereof, which relates to their being incorporated to H.M. consideration, so doe I, as to the other, report to H.M., that in case the gentlemen concerned will contract with the principal officers and Commissioners of the Navy, to supply H.M. stores with certain quantities of pitch, tarr and other naval commodities of the production of that country, at a cheaper price or at least not exceeding those had from other parts, and of such quantities, as that they may be as proper for H.M. service, as those purchased from the east country, the said Board are ready to enter into contract with them accordingly; but then it is necessary that the gentlemen, who shall soe contract, be obliged to import masts of the largest

1703.

size, such as are now furnished to H.M. by Mr. Taylor and Mr. Wallis, because masts of those dimensions cannot be had from any other parts; but I think it proper further to observe to H.M. that tho' upon a survey taken of the Naval Stores which were provided by the late Lord Bellomont at New York, and lately brought to England, they doe not appear so good in their kind as those he had from the East Country, yet considering all things the charge of them does very much exceed the Naval Stores of those species, furnished to H.M. from other parts; and in case H.M. shall think it reasonable to encorporate the gentlemen concerned in this affair, the greatest caution ought to be had, for obliging them not to raise the price of naval commodities, which if they doe, it may tend greatly to the prejudice of H.M. service, and a proviso ought to be also inserted in the Charter obliging them to lett H.M. have the refusal of all such naval stores as they shall from time to time import at the market price. *Signed*, George. [*C.O.* 5, 910. *pp.* 459-462.]

March 24. Castle of Bermuda. **503.** Mr. Larkin to the Council of Trade and Plantations. Refers to letters of Jan. 16 and 26th. A fortnight ago I saw the Governor's Instructions to the Commander of this Castle, which were not to suffer any person whatsoever to come upon the Castle during my confinement. This severe usage is in hopes to send me after Col. Day; the instruction the Governour and Council put upon the last order H.M. was graciously pleased to send for his returne for England broke his heart; he never held up his head afterwards. I am apt to believe, my Lords, that the Governor and Council begin now to be sensible of their error in deteining me here, for on the 5th inst. they sent me an order, to which if I would have condiscended, I might have been at liberty, but finding it contrary to my instructions, I sent them word that I could not comply with it, and should choose rather to wait upon your Lordships' leisure then accept of my liberty upon those terms. On the 13th, the Governor sent me word that if I would give security to answer what was objected against me on H.M. behalf in England, I might depart upon H.M. service. I immediately nominated two Gentlemen, which the Governor accepted, but still deteins me here a prisoner; and understanding that the Governor had received a copy of my letter of Aug. 19 to your Lordships from Mr. Popple, I sent to the Commander of the Castle and desired him to acquaint the Governor that I could with very little difficulty prove every material paragraph in it, and also by undeniable evidence controvert what he and his Council had been labouring six months to prove against me, and that if he would be pleased to issue his Commission for that purpose, let him nominate whom he thought fitt a Commissioner, I would appoint another. On the 17th the Governor and Council made an order that the Justices should meet on 23rd at the Flatts by 8 in the morning to take such proofs as I proposed to make. When the Commander of the Castle brought it me, I told him that as soon as I was at liberty, if the Governor would nominate one Commissioner, I would appoint another, and when I had

1703.

copies of what was against me, I would make good what I had said to him. As to the Justices, they had deny'd to take affidavits in my behalf, of which I had already acquainted your Lordships, that seaven of the Justices were particularly mentioned in my letter to your Lordships, an eighth had petitioned against me touching a matter that I was an absolute stranger to, there was two more Justices, let the Governor take which of them he pleased ; that the Flatts, which is ten miles up in the country was a very improper place, because I should have occasion for several things out of the Secretary's office which could not be carried to the Flatts without a great deal of trouble ; besides most of the witnesses I had to examine at St. Georges. I heard nothing further till the 23rd, and then the Commander of the Castle came to me about 6 in the evening to acquaint me that the Justices stayed for me at the Flatts. I immediately dressed myself, and being attended with two soldiers as my guard, walked it, and one went before to let them know that I was coming to wayt upon them, and when I came within half a mile of the Flatts, I met him in his returne, and he told me that they were all gone ; so that your Lordships may see after what a base, scandalous and villainous manner I am treated here. I do assure your Lops. I have not taken what I gave your Lops. an account of in my several letters upon trust ; if I could have had a Commission as I proposed, I should have made it out all with a great deal more upon oath. If I had not my own innocency and God's protection, it would be hard for me to stand out against their stratagems and conflicts of malice ; what their reproaches (which issue out of their mouths and hearts as easily as smoke and sparks do out of a furnace) want of trueth they make up with number and shew *etc.* I verily believe some of them don't care if the islands were under the dominion of the Turk, provided that pyracy, and that which they call a Free-Trade were encouraged ; 'twas the original of the difference betwixt them and their late Governor, Mr. Day, which he often told me in his life-time. Anthony White, one of the Council, declared before the Governour and myself that he would not give his consent to the hanging of any pyrate during the war etc. Refers to enclosure. *Signed,* Geo. Larkin. *Endorsed,* Recd. 19th, Read July 20, 1703. 3 *pp.* *Enclosed,*

503. i. Abstract of preceding. 1 *p.*

503. ii. Copy of an anonymous letter sent to Governor Bennet upon his arrival in Bermuda. You may conclude the Council and Justices are prict out by Walker, White, Spofferth, and Dickeson, for they be the leaders ; whatever they propose, the rest will say Amen, and if they come to outvote you in Council, then they suppose they have gained the point, and will carry business their way, so that in time will make you of a Governor as they have occasion, as they have done by several Governors. So soon as they find your Excellency will not be bearded, as Col. Goddard used to say, then they'l begin to article against your Excellency. It is much

if they don't give you invitations to their houses, and endeavour that you shall run yourself upon some business that will appear like the ruin of some person proposing great advantage to your Excellency, and this under a cloak of Religion etc. As for Walker the Witt, he had a smooth sly way of carrying himself, pretending what he never intends; White the Hippocrite will soon discover what he is by multiplicity of words and backbiting his neighbours, with a smiling dissembling countenance, pretending abundance of religion, that got a woman with child and then perswaded his son to be marryed to her, his son understanding the matter was very angry with his Father, so that old White thought he should be discovered, gave out that his son was mad, soon contrived to chain him up, and when a passage offer'd, delivered him aboard a ship by a company of a womman that he pretended love to, and so was sent for England and put into Bethlehem, and there soon dyed. Spofferth, the Tobacco Cutter, hath a smooth, false tongue; takes notice what Governors say and in what company, and keeps a Journal for evidence. Dickeson, the Commander of Clip Castle, is as false as the rest *etc. etc. further scandal as to their private lives. Endorsed,* Recd. July, 1703. 2 *pp.* [*C.O.* 37, 4. *Nos.* 19, 19.i., ii.; *and* (*without enclosures*) 38, 5. *pp.* 400-406.]

March 24. **504.** Minutes of Council of Jamaica. Ordered that the goods now remaining in H.M. Fort Charles, which were saved out of the fire att Port Royal, and have no owner to clayme them, be immediately carried to Kingston, and there sold by public outcry, and that the money therefrom arising be distributed by the Commissioners to the poor people sufferers in the fire, who have removed to Kingston, and remain there.

36*l.* 16*s.* paid to Captain Francis Hislop, Capt. of H.M. traine of artillery, for salary from Nov. 1–Jan. 31.

17*l.* 11*s.* 6*d.* paid to the same for money spent on materials etc.

March 25. 50*l.* paid to Alexander Brookes on account of lime for building H.M. prison at St. Jago de la Vega.

68*l.* 2*s.* 6*d.* paid to John Wickham for salary as gunner at 2*s.* 6*d.* per diem. [*C.O.* 140, 6. *pp.* 135-137.]

March 24. **505.** Journal of Assembly of Jamaica. Act to appoint Commissioners to inquire into the taxes at Port Royal read a third time and passed.

And see preceding abstract under date.

March 25. Ordered that the Clerk write a copy of the Minutes for the Governor and sign them, from the time his Honour last had them.

Ordered that the Clerk and Messenger be recommended to the Governor and Council for their satisfaction out of the Treasury. [*C.O.* 140, 7. *pp.* 28-30.]

1703.
March 25. Whitehall. **506.** Council of Trade and Plantations to Governor Lord Cornbury. Enclosing the Attorney General's opinion [March 8] upon the actions brought by Col. Bayard and Alderman Hutchins, which may serve for the information of your Lordship and other persons concerned in judicial proceedings. *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 440, 441.]

March 25. Whitehall. **507.** Council of Trade and Plantations to the Earl of Nottingham. Enclosing extract from a letter of Lord Cornbury relating to Canada. *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *p.* 441.]

March 25. Whitehall. **508.** Council of Trade and Plantations to Lord Granville. Having received from the Earl of Nottingham circular letters to the respective Governors of all H.M.'s Plantations relating to the French and Spaniards upon occasion of the present war, we herewith send your Lordship those which concern H.M. Province of Carolina and the Bahama Islands, desiring your Lordship to transmitt the same to those Plantations and give such further orders thereupon as may be convenient. *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. [*C.O.* 5, 1290. *p.* 308.]

March 25. Whitehall. **509.** William Popple to William Penn. The Council of Trade and Plantations having received from the Earl of Nottingham circular letters to the respective Governors of H.M. Plantations, relating to the French and Spaniards upon occasion of the present war, they have commended me to send you the two inclosed which are directed to yourself and the Commander in Cheif of H.M. Province of Pennsylvania for the time being, and to desire your care in transmitting the same to Pennsylvania, and giving such further orders thereupon as may be proper. [*C.O.* 5, 1290. *p.* 309.]

March 25. Whitehall. **510.** William Popple to the Governor and Company of Connecticut. *Transmitting,* two letters from the Earl of Nottingham relating to the French and Spaniards upon occasion of the present war, "the contents whereof you are carefully to observe in H.M. Colony of Connecticut." [*C.O.* 5, 1290. *p.* 310.]

March 25. Whitehall. **511.** Council of Trade and Plantations to the Earl of Nottingham. Enclosing extract of letter from Lord Cornbury relating to Canada. *Signed,* Dartmouth, Ph. Meadows, William Blathwayt, John Pollexfen. 1 *p.* [*C.O.* 42, 13. *No.* 5.]

March 25. Whitehall. **512.** Council of Trade and Plantations to Governor Dudley. *Enclosing* two letters from the Earl of Nottingham relating to the French and Spaniards upon occasion of the present war, not doubting of your care in observing the directions thereby given you; and a letter to Governor and Company of Rhode Island, covering others to the same effect. *Acknowledge* receipt of letter of Dec. 10. [*C.O.* 5, 910. *p.* 375.]

1703.
March 25.
Whitehall.
513. Journal of Council of Trade and Plantations. Ordered that the Secretary do send to Capt. Matthews or Mr. Thrale for a list of what accoutrements are wanting for the Four Companies at New York.

Letters and postscripts written enclosing Lord Nottingham's Circular Letters to Governors.

Letter to Governor Lord Cornbury enclosing Mr. Attorney General's opinion on Bayard and Hutchins' action signed, and ordered to be sent to Mr. Champante, that he may transmit the same to New York as he thinks fit.

Letter to Lord Nottingham enclosing extract of Lord Cornbury's letter of Sept. 29 about the Indians, which relates to Canada, signed.

Mr. Thurston laid before the Board a paper explaining an error in the computation of provisions for the soldiers at Newfoundland annexed to the Representation of the 19th inst., relating to their supplies, whereupon the Secretary was ordered to give him a copy of the account annexed to that Representation, and at the foot of it to add a memorandum that there is an omission of four men in the computation of those provisions, there being in the said Company 92 officers and soldiers besides gunners.

Their Lordships took into consideration the draught of a report to be made relating to the salaries of Governors of Plantations, and the presents made them by Assemblies, and made some progress therein. [*C.O.* 391, 16. *pp.* 46-48; *and* 391, 97. *pp.* 249-251.]

March 25.
514. Minutes of Council of Virginia. Thomas Merriweather, High Sheriff of the County of Essex, appearing to answer the complaint of the Justices of the Peace of the said County for refusing to produce his levy book, and render an account of his Collection pursuant to an Order of the Court, Ordered that it be referred to the Court of the said County to order payment to be made to the several parties aggrieved of the quantities of tobacco due to them in sweet-scented and Aronoco tobaccoes according to the proportion of those kinds of tobacco made in that County. Mr. Francis Merriweather, Clerk of Essex County Court, appearing to answer the complaint of the Justices of Peace for refusing to enter an Order of Court as they directed, the Council were unanimously of opinion that his refusal was a high contempt of the authority of the Court and a neglect of his duty; but in regard this is the first complaint that has been made against him, ordered that he acknowledge his fault in Court, and enter the same upon the Records. He declared that for the more ease of the Court of Essex County, as well as of himself, he was desirous to quitt his office of Clerk, whereupon H.E. and Council superseded the above censure, and recommended to Mr. Secretary to commissionate some other fit person for Clerk of the said Court. [*C.O.* 5, 1412. *pp.* 49-51.]

March 25.
515. Minutes of Council in Assembly of Virginia. Grievance of Norfolk and Stafford Counties, and petitions of Samuel de Minville, for naturalisation, and of James Adams, Interpreter, for salary, referred to the Burgesses.

1703.

H.E. and Council proposed that a Joint-Committee be appointed to inspect the building of the Capitol, and to consider of the necessary measures for the compleatly finishing and furnishing the said building. And because the finishing thereof before next winter will save at least 200*l.* charge to the country, that it be recommended to the said Committee to agree upon such proper methods as will best advance the said building, and also to appoint some fit person to take charge of the same when finished. The Burgesses agreeing, a Committee was appointed.

March 26. The Council met and adjourned.

March 27. Petition of Mr. Secretary Jenings praying the direction of the Board touching the removing the Records of his office, the place appropriated for them in the Capitol not being as yet finished, referred to the Burgesses.

Petitions of Mr. Jenings, Tho. Blunt, Interpreter, for allowances, referred to the Burgesses.

Resolution sent down proposing the establishment of a Ferry between Tindal's Point and West Point, from Coppohosick to the land of Capt. Baldwin Matthews. [*C.O.* 5, 1412. *pp.* 470-472.]

March 25. **516.** Journal of House of Burgesses of Virginia. Christopher Neale was allowed to withdraw his complaint upon the election of Northumberland County.

Major Arthur Allen, charged with a breach of privilege committed at the election of Surrey County, was sent for in custody of the Messenger.

The propositions and grievances of Norfolk and Stafford Counties not being attested as the Law directs, were rejected.

Several propositions and grievances were referred to the Committees.

And see preceding abstract under date.

March 26. Mr. A. Armistead granted leave to return home.

March 27. Resolution of the Council referring to the Ferry, and Mr. Jenings' petition referred to Committee.

And see preceding abstract under date.

Major Arthur Allen's petition read. Ordered that the process for bringing him in custody be stayed, and that he attend on Wednesday to answer the charge against him, with other evidence. [*C.O.* 5, 1413. *pp.* 16-20.]

March 26. **517.** Minutes of Council of the Massachusetts Bay. 10*l.* paid to Mr. John White, Chaplain to Port Mary at Saco, for ten weeks' service. [*C.O.* 5, 789. *pp.* 493, 494.]

March 26. **518.** Minutes of Council in Assembly of the Massachusetts Bay. Additional Duty Bill sent up with the concurrence of the Representatives.

Bill for the better inquiry into the rateable estate of the respective towns was returned by the Representatives with a message that the House insisted thereon. It was again read and the Council reasumed their former vote and passed a concurrence thereto.

H.E. proposed a Conference with the Representatives upon their motion sent up yesterday referring to the insulting of Port Royal, which was held. H.E. said that he accepted the motion as a great and good service for H.M., and for the repose of this country, and apprehended it feasible to be put in execution, if the House be unanimous and steady to promote the same, and would agree to make up by a detachment so many soldiers as the number of volunteers should fall short of 1,000 land forces. And conference being had upon the whole of that affair, it was left to consideration of the House.

The Bill for continuing of the apportioning of the tax granted by the last Assembly, being sent up from the Representatives with their agreement to the Reform proposed, was read, and a concurrance passed thereto.

Report of the Committee upon the proposals of William Chalkhill, was read, the said report being in favour of an agreement for 5,000*l*. only, and that in pence.

March 27. The Representatives sent up their former motion for the taking of Port Royal and places adjacent, with a message that they had considered what had been offered at the Conference, but could proceed no further therein than according to their first proposal.

The motion was read: "Whereas we are daily infested by the enemy liveing at Port Royal and likely to be deprived of our provisions that we have our great dependance upon for our subsistance by their vessels that are continually taking their opportunitys to surprize the same, and are thereby forced to be at great cost and charge to provide ships and forces for our security therefrom, we are of opinion that an essay should be made for the takeing of Port Royal and the places adjacent, and that encouragement be given to such volunteers as may present to engage in that service by allowing them all the plunders thereof, saving the rights of H.M., and that the Province shall supply them with victuals for carrying on the said expedition. Which motion was consented to by the Council, with this addition, that what men are wanting of volunteers to make up 1,000 be drawn out of the several Regiments in the Province, and that there be three ships and a necessary number of vessels, also 300 sailers taken up for the service, that so noble a work may not be offered at and faile on our parts. Sent down to the Representatives and returned back with their non-agreement to the said addition.

Bill against the diminishing and counterfeiting of money was sent up, read a first and second time, and passed to be engrossed.

Bills for the better enquiry into the rateable estate of the towns, for apportioning the tax, and continuing duties, sent up, were read and passed. H.E. gave his consent, and signed them.

95*l*. 13*s*. 9*d*. paid to James Russell and the Committee appointed to imprint and sign the Bills of Credit, according to a report of the Representatives who proposed the thanks of the Court to these gentlemen for their faithful care and prudence in managing this affair.

1703.

Ordered that the Committee proceed to sign the other 5,000*l.* of the 10,000*l.* Bills of Credit ordered by the last Assembly.

The difference continuing betwixt Col. Romer, H.M. Engineer, and Capt. Timothy Clarke, of the Committee for the Fortifications on Castle Island, notwithstanding endeavours used to take up the same, whereby the carrying on the works is obstructed, the Council are of advice that Col. Romer be encouraged to proceed in those works and Capt. Clarke be dismissed, and that Thomas Brattle do continue to undertake the service of providing materials and necessaries for the workes. Which vote being sent down, was returned with the vote of the Representatives, that they saw no just cause for diminishing of Capt. Clarke, yet if H.E. and Council see it necessary, they do consent that the works at the Castle be carried on by Col. Romer and Thomas Brattle, rather than the work should cease.

The Report of the Committee upon the proposals of Mr. Chalkhill was sent down to the Representatives and returned with their resolve, that it be accepted and that a Committee be appointed to draw articles of agreement with him, and that the covenants and engagements of the Committee in this affair should be ratified by this Court. This resolve was not agreed to, but referred to consideration at the next Court, if then offered.

The vote of the Council, March 13, for accepting the Report of the Committee about erecting a fortification at Pemaquid sent down to the Representatives, was sent up with a non-acceptance thereof by that house.

5*l.* paid to Stephen Minott for firewood etc. for this Court.

Bill against diminishing money, sent up, was read and passed, and received H.E.'s consent.

Ordered that the Acts passed this Session be published in Boston on Monday, March 29, by the Sheriff, at twelve a clock, with beat of drum.

H.E. summoned the Representatives and dissolved the Court. [*C.O.* 5, 789. *pp.* 808-812.]

March 27. **519.** Governor Lord Cornbury to the Council of Trade and Plantations. Having left New York in order to go into New Jersey on the 10th of August, I arriv'd at Amboy on the 11th, and that day published my Commissions for the Government of that Province, having been met by several of the Gentlemen of the Council, and some of the Proprietors; the next day I proceeded to Burlington, where I arrived on the 13th after noon, it being between fifty and sixty miles from Perth Amboy. I immediately published my Commission there, and would have had a Council that night, but some of the Gentlemen of the Council were ill with riding, it being a very hot day, but the next morning I called a Council, where there appear'd ten of the thirteen, of which the Council was to be composed, in pursuance of H.M. instructions to me; Mr. Hunlock and Mr. Leonard being dead, before I received H.M. Commission and Instructions for that Government, and Mr. Andrew Bowne was not able to travel so

1703.

far; after I had taken the Oaths and subscribed ye Test and Abjuration, I administered the same to as many of the Gentlemen of the Council as were willing to take them, that is, Mr. Morris, Mr. Reuell, Mr. Pinhorne, Mr. Walker, Mr. Leeds, Mr. Sandford and Colonel Quary, but Mr. Fennings, Mr. Davenport and Mr. Deacon, being Quakers, said they could not take an Oath, and claim'd the benefit of the Act of Parliament passed in the seventh and eighth of King William; this begot some debate among the other Gentlemen of the Council, one of them saying that he was of opinion that ye Act above mentioned was not intended by the Parliament of England to ease the Quakers any further than only in cases where they were to be witnesses in Courts of Judicature, where their declaration was to be sufficient, but he said he did not believe it was ever intended they shou'd be by that Act entituled to hold any employment in Government; he further said, that the Act by which the Abjuration Oath was enacted, had no exception in it, and that that Act having been passed long after the Act by which the Quakers were eased, and no exception for them in it, he thought they ought to take that oath. The Quakers insisted not only upon the Act of the seventh and eighth of the late King, but likewise said, that they knew I had instructions to admit them into any offices or employments which they should be found capable of (by this I found, that the information I had formerly had, was true, that is, that Mr. Morris had brought a copy of my Instructions with him into the Province, when he came from England) I look'd into my Instructions, and found that in the 49th paragraph I am commanded to administer, or cause to be administered the Oaths therein mentioned to the Members and Officers of Council and Assembly, and to all Judges, Justices, and all other persons that hold any Office or Place of Trust or Profit in the said Province, and without which I am not to admit any person whatsoever into any publick office; this I thought was very plain against the Quakers, but they desiring me to look farther, I found in the 52d paragraph these words: "And whereas we have been farther informed that in the first settlement of the Government of our said Province, it may so happen that the number of inhabitants fitly qualify'd to serve in our Council, in the General Assembly, and in other Places of Trust or Profit there, will be but small; it is therefore our will and pleasure that such of the said people called Quakers as shall be found capable of any of those Places or Employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the Declaration of their Allegiance to us in the form used by the same people here in England, together with a solemn Declaration for the true discharge of their respective Trusts, be admitted by you into any of the said Places or Employments." Whereupon I told the Gentlemen of the Council, that I thought it very plain by that paragraph in my Instructions, that it was the Queen's pleasure they should be admitted to sit and vote in Council, signing the Declarations required, which they did, and were admitted; they likewise signed the Abjuration in a roll by

1703.

themselves, only altering the word (swear) to the word (declare). Thus that matter stands now, but I intreat your Lordships' directions what I must do for the future ; I must needs say that whoever it is that has inform'd H.M. and your Lordships, that the number of inhabitants fit to serve the Queen would be but small, without admitting the Quakers, either did not know the country, or else were not willing to own the truth they did know, for it will appear by the accounts I hope to send your Lordships shortly of the number of inhabitants of that Province, that the Quakers are much less in number than those that are not Quakers, however that they might not say, or think, that I had any prejudice to them as Quakers, I have put several of them into the Commission of the Peace ; if they approve themselves good servants to the Queen, I have no more to require of them. I hear since I came from thence, that they do not like the settling the Militia, which I have begun, and hope to perfect in a short time, I mean, the Quakers, who would have no Militia at all, but the rest of the people are very well pleased that they are like to be put into a condition to defend themselves, which they have not been yet ; at Burlington, the first thing we proceeded upon, was to settle some Courts, and in order to it, I asked the Gentlemen of ye Council, what Courts they had had under their proprietary Government, they said that their Courts were never very regularly settled ; but such as they were, it was under this regulation, first they had a Court for determining all causes under forty shillings, and that was by any one Justice, and if either of the parties did not like the judgement of that Justice, he was at liberty to have a tryal by a jury, paying the charges of the first Suit ; which I think, was to render the benefit intended by the settling those Courts ineffectual ; the next Court they had, was a quarterly Court, where the Justices of the Peace determin'd all causes under ten pounds ; then they had a Court, which they call'd the Court of Common Right, where all causes both criminal and civil were heard and determined, and to this Court there lay an appeal from the Quarterly Courts ; this Court of Common Right consisted of the Governor and the Council, and if any man thought himself aggriev'd by the sentence of the Court of Common Right, then he might appeal to the Governor in Council, which was appealing from, to, the same persons ; this being the account they gave me, I told them I thought a Court for determining all Causes under forty shillings might be very useful ; but I thought it ought not to be in the power of one Justice of Peace alone, but rather three, and that the judgement ought to be definitive ; this they approved of, and so it is settled till the Assembly meets, when I will use my best endeavours to prevail with them to settle it by an Act ; then I told them, I thought the Courts which sate quarterly in the Province of New York, were more regular than theirs, for there the Quarterly Courts are held in each County by a Judge of the Common Pleas, and four Justices Assistants, whereof three make a quorum, and the Judge of the Common Pleas or the first Assistant-Justice always to be one ; this they likewise approved of and those Courts are so settled by an Ordnance of the Governor and Council, till your Lordships shall be pleased to direct otherwise: I have appointed Sheriffs and Justices of the Peace throughout the whole Province, and as I desired the Gentlemen of the Council to give me ye names of such persons as they thought proper, to be put into the Commissions of the Peace and Militia, so I endeavour'd to choose out such among them, as by the best information I could get, were the most likely men to joyn with me in endeavouring to reconcile the differences that have caused so much disorder in that Province, and which I am afraid will not be presently brought to pass, however I do assure your Lordships, nothing shall be wanting in my endeavors to perfect that work; I have already recommended that matter to the Council, and shall likewise do so to the General Assembly, as soon as they meet, which will be the 6th day of November at Perth Amboy; I must acquaint you that when first I acquainted the Council, that the Queen had by her instructions commanded me to call a General Assembly with all convenient speed, they were extreamly pleased with it, but there arose some debate about the method of issuing ye Writs, because some of them said the Writs ought to issue under the Great Seal of the Province, and there being no Great Seal yet come, that could not be: some were of opinion, the Proprietors' Seal of West-Jersey should be made use of; others were for that of East-Jersey; at last it was resolved that I should issue the Writs for this time under my own Seal, reciting the power the Queen has been pleased to grant to me under the Great Seal of England, for the Government of the Province, and for the calling and holding of Assemblies, this was the only expedient could be thought of, to have an Assembly, which they were not willing to stay for till the Seal should come. I hope I have not done amiss in this matter, it was not of my own head alone I did it, and it was intended for the service of the Queen and the Country. I have quite settled the Militia of the Western Division, and I have begun to settle that of the Eastern Division likewise. Thus I have given your Lordships a faithfull account of the present condition of Nova Cæsarea or New Jersey; only I must add, that there is no fortification in all the Province, no stores or ammunition, nor no publick storehouse, nor so much as a house for a Governor to reside in: I hope the Assembly will provide for that; as soon as anything occurs, relating to that Province, I will acquaint your Lordships with it, in the meantime I intreat you to believe, that I will at all times observe all such orders and directions as you shall think fit to send. *Signed*, Cornbury.

P.S.—Just as I was going to seal up this letter, I am inform'd the people in New-Jersey are much disturb'd at the limitation prescrib'd in the qualifications of persons fit to choose and be chosen for the Assembly; and indeed it will happen that some very good men will not be chosen, because they have not 1,000 acres of land, though perhaps they have six times that value in money. [*C.O.* 5, 994A. *pp.* 135-144.]

1703.
March 27. **520.** Minutes of Council of Virginia. H.E. demanded of Mr. Benjamin Harrison, H.M. Council at Law, to give his opinion who are the persons qualified to administer any oath within this Government. Mr. Harrison desiring time, it was granted him. [*C.O.* 5, 1412. *p.* 51.]

March 29. **521.** Minutes of Council of Virginia. Upon the petition of Anthony Armistead praying that a hue and cry may issue for apprehending a negroman of his who hath broke open a store and is supposed to be run into the Government of North Carolina, ordered accordingly.

March 30. H.E. laid before the Council H.M. Royal Letter for a contribution of money etc. to New York, and prest the question whether they will comply with H.M. commands in granting the 900*l*., since their giving their opinion in that matter before the House of Burgesses proceed thereon, he conceives will be a means to induce that House to a complyance. The Council unanimously made answer that " we shall be always ready to contribute to the utmost of our power for H.M. service, either as Council to H.M., or as we are part of the General Assembly. Accordingly, so soon as H.E. communicated to us H.E.'s gracious letter relating to New York, we advised that a General Assembly should be called with all possible expedition. After it had met, we heartily joined with your Excellency in recommending the said letter to the serious and mature deliberation of the House of Burgesses. The said House being possessed of the said letter for near a fortnight, and as we suppose almost ready to come to a resolution thereupon, we humbly conceive that in all grants of money, for the Council to declare their opinion before the House of Burgesses give their answer about them, is contrary to the practice and proceedings of Assemblys, and we are doubtful might beget a misunderstanding, the said House being tender of their privileges, and by consequence might prove prejudicial to H.M. service in general, and to the good management of this affair in particular, and therefore with submission are unwilling to declare our previous assent or dissent to the Resolution of the said House in this matter."

H.E. then acquainted the Council that (since he found they disagreed in the main to his recommending H.M. Commands to the House of Burgesses upon the terms proposed in his former question) he now put this question to them, whether they as a Council, or as a Council in Assembly judge it for H.M. service to use their endeavours to perswade the House of Burgesses to a complyance either by message, conference, or such other way as they think proper. The Council answer, We shall be very ready to do H.M. the best service that lyes in our power by messages, conferences or any other way that may be thought proper, as occasion shall be given from the proceedings of the House of Burgesses. H.E. desired the opinion of the Council, whether it be proper for him to move any further to the House of Burgesses, either by speech or message in relation to H.M. Royal commands for assistance to New York. The Council said they knew of nothing at present, but if anything occurs to H.E.

1703.

for promoting that service, we shall be ready to give our opinion therein as often as H.E. shall think fit to require the same.

In reply to the answer of the Council to the first question above, H.E. declared that he could not allow any prescription in this country, nor any president or custom to take place contrary to the prerogative; but if presidents could be admitted, yet it cannot be made appear that ever there was a parallel case to this.

H.E. communicated to the Council letters from Governor Lord Cornbury, June 11 and Nov. 19, pressing for the speedy remittance of the quota, which he intended to send to the House of Burgesses, and at the same time to acquaint the House that if the country cannot at present advance the money, he will lend them so much without interest.

March 31. Mr. Benjamin Harrison (*see* March 27) reported his opinion as to those persons and bodies who were capable of administering oaths in this country. H.E. directed him to cite the statutes empowering them. [*C.O.* 5, 1412. *pp.* 51-55.]

March 29. **522.** Minutes of Council in Assembly of Virginia. Grievance of Elizabeth City County, and petition of Chicheley Corbin Thacker for allowance referred to the Burgesses.

Petition of Roger Light to be appointed keeper of the Capitol, referred to the Burgesses.

Petition of Mr. Jenings, that it may be declared by whom the 50*lb.* allowed by Act of Assembly for every Military Commission shall be paid, referred to the Burgesses.

H.E. laid before the Council H.M. Letter for a contribution of money etc. to New York, and acquainted them that pursuant to H.M. commands he recommended that matter to their consideration, hoped he need not use many arguments to comply therewith, and therefore expected that before their breaking up this night, they would give him their result. And further, that if the country wants money at present to advance towards the assistance of New York, he will lend them, or if this Assembly shall not think fit to comply with H.M. commands, yet he would discharge his duty and advance the money himself, rather than that service shall suffer.

Ordered that the following message be sent to the House of Burgesses:—"I am heartily sorry that I am obliged to acquaint you (but if I did not do it I should fail in my bounden duty to H.M., and be wanting in the very great affection, which I have for this H.M. most ancient and great Colony and Dominion of Virginia) that I received a letter dated in London Oct. 5, one part of which is 'it was said that it appeared that the Assembly's not complying with the Instructions about New York was by my means, and that my proposing it alone would hinder it.' I do most earnestly recommend to you to let me know your resolution upon this affair, and then I hope in God a satisfactory answer shall be given you by Fr. Nicholson."

The Council took into consideration what H.E. recommended to them in relation to New York, and finding it necessary to have

1703.

the advice of the Council therein, they, in regard Mr. Auditor Byrd is lame and not able to attend here, and that Jno. Lightfoot is absent, resolved to defer the further debate till to-morrow at 8 o'clock at Mr. Auditor's Chambers.

March 30. *See preceding abstract under date.*

Resolution of the Burgesses sent up, that it doth appear to the House that the last House of Burgesses did refuse to give the 900*l.* to New York, not because the Governor was the proposer of it, but for other reasons at large enumerated in the Journal of the said House. And that the report mentioned by H.E. yesterday, is a false, scandalous and malicious report.

Message from H.E. send down with Lord Cornbury's letters (*mentioned March* 30 *Minutes of Council*), recommending the matter to their serious consideration and offering to lend the money required without interest.

Resolve of the Burgesses, *nemine contradicente*, sent up, "that this Country is not of ability to comply with H.M. commands in contributing 900*l.* required for New York." They desired the concurrence of the Council to this resolve, and that "if they concur they will be pleased to join in a Committee to consider of the best method to represent our circumstances of inability to H.M."

Ordered that the consideration of this resolve be deferred till to-morrow.

H.E. acquainted the Council that since the House of Burgesses have put the matter upon this issue, that the country is not of ability to contribute the 900*l.* to New York, the Council will do well to consider the state of the country and to enquire into the publick accounts, for that H.E. is satisfied that there is nigh half of that money now in the bank, after deduction of all debts that fund is now charged with, and as for the remainder, H.E. will advance it, or if necessary the whole, upon the credit of those imposition-Acts now in force, and if they shall prove deficient will bear the loss himself.

March 31. Petition of Mr. Jenings for allowance was referred to the Burgesses.

Petition of John Redwood to be appointed Keeper of the Prison and the Capitol referred to the Burgesses.

H.E. sent down a message of thanks to the Burgesses for their reply yesterday.

The Council proposed a free Conference with the Burgesses upon their resolve in relation to the 900*l.* for New York. The Burgesses refused this until the Council should return the said resolve with their concurrence or disagreement. The Council replied that, not being sufficiently sensible of the reasons of that resolve, they desired a conference on that subject, being the constant and approved method to clear all doubts and keep a good understanding between the two Houses of Assembly, and cannot but be surprized at their denial of the same, and knowing of no better way to come to a good agreement, insist upon their desire of the said Conference as their undoubted right and the usual method on such occasions. [*C.O.* 5, 1412. *pp.* 472-479.]

1703.
March 29. **523.** Journal of House of Burgesses of Virginia. Committee appointed to examine the Treasurer's accounts.

Grievances of Elizabeth City County and other petitions referred to Committee.

The House being called over, according to an order of Saturday, ordered that Arthur Smith, Joseph Foster and Edwyn Thacker be taken into custody of the Messenger to answer their default in not attending the service of this House.

Resolved, upon report of the Committee of propositions and grievances, that the Ferry be continued in Middlesex County, at the place appointed by law over Rappahanock River to Chownings Point and Matron Wright's Plantation, and that the price be altered, for a man 2*s*. 6*d*., for a man and horse 4*s*.

Resolved, that the propositions of Henrico and Charles City County, that the Acts imposing a duty upon liquors and servants and slaves be continued for 3 years after the time they run for, for defraying the Burgesses' charges, and paying of officers that attend the Assemblies, be rejected.

Resolved, that some suitable provision be made to prevent the inhabitants of this country from entertaining or harbouring any Indians, or employing them to hunt upon any land belonging to the inhabitants.

Resolved, that the proposition from Charles City County for renewing the Act for regulating the size and tare of tobacco hhds. be referred till the revised Laws be taken into consideration, suitable provision for the same being made therein.

Resolved, upon the proposition from Charles City County, that application be made to H.E. for the taking off the restraint laid upon the taking up or surveying and patenting out lands ; and that this House doth disagree to the report of the Committee that the other part of the proposition of the said County "that no greater quantities than 640 acres be taken up in one tract," be rejected.

And see preceding abstract under date.

Mr. Arthur Smith discharged from custody of the Messenger, paying his fees.

Proposition of Charles City County for altering bounds of parishes referred to next session.

March 30. Joseph Foster and Edwin Thacker (March 29) discharged from custody of the Messenger, paying fees.

Mr. Jenings' petition referred to Committee.

Resolved, that Capt. Bully Robinson and Richard Drummond are duly returned Burgesses for Accomack County, and William Edwards for Surrey County.

And see preceding abstract under date.

March 31. *See preceding abstract under date.*

Petition of John Redwood referred to Committee.

Resolved, that the propositions of Guy Smith and James Clack, Clerks, for providing a method to prevent masters of ships etc., from leaving out tobacco after the receipt of notes for the same be rejected, and that their proposition for prevention of slaves working on the Sabbaoth Days be referred till the Revised Laws be taken into consideration, suitable provision being made therein.

Resolved, that the proposition of James Westcomb for reviving the Act regulating Clerk's fees be referr'd till the revised laws be taken into consideration, suitable provision for the same being made therein. The same with regard to the proposition of Gloucester County for making a stricter law to compel the freeholders to come to election of Burgesses.

Resolved, that the grievance from Gloucester County be agreed to, that no person shall kill any unmarked hog or shote except upon his own or unpatented land, or among his own stock, and in case he do kill any such, then he shall within 3 months go to some Justice of the Peace, and make oath of the truth of it, and thereupon obtain the Justices' certificate, otherwise to be fined 150*lb.* of tobacco to the party complaining to be recovered before a J.P., and in case the party offending cannot pay, then he shall receive 15 lashes on his bare back. Ordered that a clause for the same be added, in the revised Laws, to the Act against stealing hogs.

Resolved, that the grievance from Gloucester County for making a law to bring persons to condign punishment, who shall asperse jurors, be rejected, the party agrieved having remedy at the Common Law.

Resolved. that the grievance from Gloucester County, desiring that the Highways be kept in repair, be referred till the revised Laws be taken into consideration, suitable provision for the same being made therein.

Petition of James Minge for leave to bring in a Bill to enable him to purchase convenient lands on Match Coats run to erect a mill on (he having no land on either side of the said run) be rejected.

Resolved that the grievances of King and Queen, Surrey and Isle of Wight Counties concerning the standard of Spanish money be referred till the revised Laws be considered, suitable provision for the same being made therein.

Resolved that the grievance of Isle of Wight County, that the allowance of 40*lb.* of tobacco per day for evidences' attendance in Courts is too much, be rejected.

Resolved that the grievance of Isle of Wight County, that no allowance is allowed constables, be referred till the Revised Laws be considered, suitable provision being made therein.

Resolved, that a Bill be drawn making suitable provision that there be no manner of abridgement in the elections of Burgesses.

And see preceding abstract under date.

Major Arthur Allen was taken into custody and brought to the bar of the House. Resolved. that nothing appeared proved against him which is a breach of privilege. Exceptions being taken to some words let fall by Allen in the first part of his defence, ordered that he be called into the House to explain himself. Mr. Speaker demanded of him whether he meant any reflection upon Nathaniel Harrison or any Member of this House, to which Allen answered, No, he had no prejudice against him, as he was a Member of this House he had a respect and honour for him and every member here. [*C.O.* 5, 1413. *pp.* 20-29.]

March 30. St. Jago de la Vega. **524.** Governor Handasyd to the Council of Trade and Plantations. *Refers to enclosures.* With the advice of the Council I have prorogued [*the Assembly*] to April 12, they seeming desirous to be at home these Holydays, but am sorry to find they are so severe in not providing quarters for the officers of the two Regiments, and without it, or some money in lieu of it, 'tis impossible for them to subsist on H.M. pay, considering the extravagant prices of lodging, apparel, meat, drink and washing at this time; for an Ensign's subsistence being but 17*s.* 6*d.* per week, he nevertheless cannot have a chamber under 20*s.* per week, and truely the climate is so violent hot that if their whole subsistence were applyed to the quenching of their thirst in any liquid here (water excepted) it could not suffice, since Madera wine formerly 1*s.* 3*d.* per bottle is now 2*s.* 6*d.*, English ale 3*s.* 9*d.*, small beer 1*s.* 3*d.*, wch. is occasioned by the unhappy burning of Port Royal, where a vast quantity of provisions, stores etc. were consumed. Yet am in hopes to find the Assembly in a better temper after the expiration of the time of their prorogation, and that they will consider this hardship seriously. *Signed,* Tho. Handasyd. *Endorsed,* Recd. 19, Read 24 May, 1703. 1½ *pp.* *Addressed. Sealed.* 1½ *pp.* *Enclosed,*

524. i. Abstract of preceding. ¾ *p.*

524. ii. Memorandum of Minister of Council in Assembly of Jamaica, Jan. 13-March 25, 1703. ¼ *p.*

524. iii. Minutes of Assembly of Jamaica relating to the quartering of soldiers and setling of Kingston, Feb. 22, 23, 1703. *Signed,* And. Langley, Speaker. 6¼ *pp.*

524. iv. Memorandum of Minutes of Assembly of Jamaica, March, 1, 1702-March 25, 1703.

524. v. Memorandum of Minutes of Council of Jamaica, Feb. 5-March 25, 1703. ¼ *p.*

524. vi. Memorandum of Account of Revenue, March 25-Sept. 29, 1702. ¼ *p.*

524. vii. Memorandum of an Act of Jamaica to invest H.M. in land in Kingston for the reception of the sufferers by the late dreadful fire at Port Royal, declaring Kingston to be the chief seat of trade and head port of entry, and fortifying West Chester. ¼ *p.*

524. viii. Minutes of Assembly of Jamaica, Jan. 14-29, 170⅔, relating to the setling of Kingston. 14 *pp.* [*C.O.* 137, 5. *Nos.* 101, 101.i.-viii.; *and* (*without enclosures*) 138, 10. *pp.* 467-469.]

March 30. **525.** Abstract of above letter. [*C.O.* 137, 41. *p.* 8.]

March 30. Admiralty Office. **526.** Lords Commissioners of the Admiralty to the Earl of Nottingham. We have received your Lordship's letter of 24th inst. with the extract of one from the Lords Commissioners of

1703.

Trade and Plantations, wherein 'tis desired that the seamen belonging to H.M. ships bound to Newfoundland, may have orders to assist in the work ashore there, and that a Boom may be sent thither for the defence of the Harbour of St. John's. 'Tis absolutely necessary for the service, that the men of war should cruize off the coast for the security of the fishery and themselves, until the Trade shall be ready to come away, so that their men can't be spared from them. And as for masts to make the Boom, they cannot be carried from hence in the men of war that are going to Newfoundland, and therefore it is necessary the officers at St. John's should be ordered to cut masts in the winter time proper for this service, and to send them down thither on the snow, which is the best and cheapest way we can think of. *Signed*, D. Mitchell, Geo. Churchill, Richd. Hill, J. Brydges. 2 *pp.* [*S.P. Naval*, 7. *Under date.*]

March 31.
Whitehall.
527. Council of Trade and Plantations to Governor Sir B. Granville. The bearer hereof, Mr. Hodges, complaining that he has suffered in some affairs he has in Barbados, by mismanagement of his agents, delays and otherwise, and desiring our recommendation to you, that speedy and impartial justice may be done him, we have thought fit to comply with his request, and do accordingly desire your care that no obstructions be given him in the course of his proceedings, and that he may enjoy the benefit of the law as other H.M. subjects. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *p.* 295.]

March 31.
Whitehall.
528. Journal of Council of Trade and Plantations. Letter to Governor Sir Beville Granville in behalf of Mr. Hodges, signed.

April 1. Mr. Champante desired their Lordships would write to Lord Cornbury in relation to the arrests which Capt. Nanfan at present lies under in New York; whereupon he was directed to lay before the Board a memorial of what he himself proposes might be done therein.

Draught of Representation upon Governors' salaries, agreed upon.

April 2. Representation upon Lord Cornbury's letters, relating to the State of the Province of New York, signed.

Representation upon Governors' salaries and presents made by Assemblies, signed. [*C.O.* 391, 16. *pp.* 52-54; *and* 391, 97. *pp.* 253-261.]

March 31.
Boston.
529. Minutes of Council of the Massachusetts Bay. H.E. communicated several letters expressed to him from Piscataqua, advising of an insult lately made by Capt. Samuel Chadwell, commander of a privateer sloop, upon some French and Indians at Naskeag in Mount Desart, by rifling and plundering the house of Paul Munier, a Frenchman, allied to the Indians, under the protection of this Government, and had killed Munier, and beaten one or more of the Indians. H.E. acquainted the Council that he had desired Lt. Gov. Partridge to write to Major March to

direct him to observe to the Indians the resentment H.E. had of that matter, and that he had sent for Chadwell, and would make a strict inquiry into the same, and take such order therein as may be agreable to Justice, and to give them satisfaction, whereof they shall have an accompt.

Accompts of Major John March and Capt. James Gooch committed.

30*l.* paid to Capt. Simon Willard, Commander of a Foot Company of soldiers newly raised for H.M. service, for subsisting of himself and company. [*C.O.* 5, 789. *p.* 494.]

April 1. Boston. **530.** Minutes of Council of the Massachusetts Bay. Capt. Chadwell was examined upon the matter whereof he acquainted the Board yesterday. He acknowledged that Munier was plundered and wounded by some of his company, but knew not that he was dead. H.E. ordered Chadwell to be confined at the Castle, and issued a warrant for the apprehension of those of his Company, who Chadwell said were concerned in the action.

A complaint was exhibited by the Select Men of the Town of Enfield of the molestation and disturbance given them in the improvement of their estates by their neighbours of the Colony of Connecticot, particularly that, on March 24, the Constable of Windsor with six men, came near to the midst of their town bounds and seized two men at work upon turpentine, and carried them before a J.P. at Windsor, who bound them over to the County Court at Hartford, within the said Colony of Connecticot, to answer for the same. Upon reading whereof, a letter was drawn up to the Governor and Council of Connecticot resenting the said irregular action, and the unwarrantable proceeding of their officers, intimating the mutual stipulation made betwixt the two Governments about claim of jurisdiction, and that the persons so bound over were commanded not to appear at the said Court, which this Government would vindicate them in, justly expecting that there be no further procedure in that matter, and that the Queen's subjects be in peace. [*C.O.* 5, 789. *pp.* 494, 495.]

April 1. **531.** Minutes of Council in Assembly of Virginia. The Council being informed that the House of Burgesses were adjourned till to-morrow, they, for the better observation of the Publick Thanksgiving appointed to be this day kept, adjourned.

April 2. Reply of the House of Burgesses in answer to the message of the Council insisting on a conference in relation to the 900*l.* for New York; "The House will at all times, but more especially upon this occasion, endeavour to preserve a good understanding and agreement between your Honours and themselves, and will very readily comply with whatever your Honours shall propose for the attainment thereof, so as it may be done without diminution of those rights and privileges which they take to be inherent in them, and from which they presume to hope your Honours will not desire them to depart. But as this case stands, the House do resolve to adhere to their last resolve first

1703.

mentioned, untill your Honours shall some way or other have signified your opinion upon it. The Burgesses do acknowledge that many times conferences are very necessary between the two Houses of Assembly, but that it is the constant method, or your Honours' undoubted right to have it, they conceive they can in no wise agree, for that it is always at the liberty of each House whether they will admit any such or no. And if it were your Honours' undoubted right to have a conference whenever you should desire it, then it must necessarily follow that the Burgesses should be obliged to attend your Honours where and whensoever your Honours should think fit to require them, whether they thought it reasonable or not, which in consequence might prove greatly prejudicial to their publick concerns. The Burgesses do take the constant and known practice of Assemblies in like cases to be that when any Bill or other matter shall past their House and been sent up [*sic*] to the Council, that the same hath always been sent down again with the opinion of the Council thereupon, before any Conference hath been had upon the subject matter thereof, as may be observed in the method continually used in passing the Book of Claims, and instances are not wanting of the Burgesses having denied conferences when your Honours have desired them before you have signified your opinion upon the subject matter under consideration, and your Honours rested satisfied with such denial, as, to instance one case for all, may be remembered the last Assembly upon the Bill concerning the Militia." A Committee was appointed to prepare an answer to the Burgesses.

April 3. The Committee reported progress. Ordered that the answer be reported on Tuesday. [*C.O.* 5, 1412. *pp.* 480–482.]

April 1. **532.** Journal of the House of Burgesses of Virginia. Resolved, that this House doth adhere to their former resolve in not agreeing to a Conference. (*See Minutes of Council, March* 31*st.*) Committee appointed to draw up a suitable message to the Council.

April 2. *See preceding abstract under date.*

Resolved, *nem. con.*, that the Forts already erected on the frontiers of New York are no security to this Colony, and that notwithstanding the same the enemy may and frequently doth come upon our frontiers, and commit murders and other mischiefs. Resolved, *nem. con.*, that the building of more forts upon the frontiers of New York will not any ways avail to the security and defence of this Colony, for that an enemy may annoy or invade the same, and not come within 100 miles of any fort that can be built within the province of New York. That sending the Quota of men to New York will be prejudicial to H.M. interest at home and endanger the safety of this Colony. That it is not probable any men can be sent from this Colony soon enough to be serviceable to the province of New York upon an invasion. That by means of the present publick engagements and such necessary provision as the defence and security of this Colony will from time to time require, we shall not be able

1703.

to furnish the province of New York with money in lieu of men. That it is absolutely necessary to make a Representation to H.M. upon the subject matter of the foregoing resolves, to the end H.M. may be truly informed of the state of the case between this Government and New York.

Resolved, upon consideration of H.E.'s second speech, that the question of giving a servant a gun at his freedom be referr'd till the Bill in the Revisal concerning the Militia etc. be taken into consideration.

Resolved, that this House do proceed upon the Revised Laws this Session.

Mr. Ransone granted leave of absence.

April 3. Grievance from Surry County desiring that no person may exercise any trade but he that serves a legal apprenticeship to it, rejected.

Grievance from Surry County for taking off the imposition on liquors rejected. Grievance from Surry County for obliging all mechanicks to follow one distinct trade, rejected.

Resolved, that necessary provision be made giving John Goodale leave to keep a Ferry on the Upper parts of Chickahomony River.

Petition of Mrs. Mary Rider, that the ferryman at Hog Island be prohibited to land his passengers on her Plantation, rejected.

Resolved, upon the petition of John Holt desiring to be Ferry-Keeper at Hog Island, that the Law for regulating ferries being temporary, and the present keeper having been at great charges for an ordinary in compliance with the said Law, it is not convenient to make any provision therein at present.

Thomas Francis granted liberty of keeping a ferry from his landing to Hog Island.

Petition of Edward Ross for raising the rates of the Ferry at James Town rejected.

Proposition of King and Queen County for setling Rolling-houses rejected.

Proposition from Nansemond County for making bridges over the swamps on the road to North Carolina, and levying the charge thereof upon the pole, rejected.

Proposition from Nansemond County against the transportation of old iron rejected.

Resolved that a Bill be prepared to enable the Governor to commissionate so many persons as he shall think fit to administer the oaths and test to the French Refugees at the Manakin Town, in order to their naturalisation.

Resolved, upon the petition of John Gill, Stephen Gill, and Paul Harralson, that H.E. hath full power to naturalise them by virtue of an Act of 1680.

Petitions of Capt. Thomas Mountford and Robert Beverley referred to the Committee of publick claims.

Grievance of James City County referred to the Committee of Propositions.

The message from the Governor and Council (referred at the last Assembly) recommending to the House to assert H.M.

1703.

right to quit-rents on the Eastern shore, and that the bounds between this Colony and Maryland be ascertained, referred to the Committee of Propositions and Grievances.

Ordered that the quere left upon the Journal of the last Session, whether Mr. Treasurer hath taken care to receive the debt due from Corbin Griffin's estate upon the imposition Acts, be referred to the Committee appointed to inspect the Treasurer's accounts.

Ordered that the observation upon the Journal of the last Session, "It is also observable that Mr. Treasurer has given himself credit for 283*l.* 5*s.* for the Trustees of the City of Williamsburgh by order of Assembly, but says he has not paid it all, nor has any receipts or discharges for any part paid," be referred to the same Committee.

Bill concerning the Church Clergy and other parochial affairs read the first time and committed. [*C.O.* 5, 1413. *pp.* 29–35.]

April 2. Whitehall. **533.** Council of Trade and Plantations to the Queen. Having lately received from the Lord Cornbury, your Majesty's Governour of New Yorke, several letters and papers concerning that Province, we humbly represent to your Majesty that we are thereby informed as to the state of defence of the said Province, That the Fort at New Yorke is in a very ill condition; nothing having been laid out upon it since Coll. Fletcher came from thence; the parapet being of sod worke is fallen down in many places; most of the platforms and of the carryages quite rotten, many of the guns dismounted, and some of them honey-comb'd so that they cannot be safely fired. The Forts at Albany, Schenectady, Canestigione, and another upon Hudson's River called the Half-Moon, are likewise in a ruinous condition. His Lordship is therefore building a new Fort at Albany and designs to put the other Forts into a better state of repaire. Very few of the stores which his Lordship found at New Yorke and at Albany (whereof he has sent us the annexed inventories) are fit for service. As to the four Foot Companies, which ought to consist of four hundred private soldiers, besides officers, there were not in his own Company more than eighty effective men; in Captain Nanfan's Company no more than seventy-six men; in Major Ingoldesby's Company eighty-four men, and in Capt. Weem's Company ninety-two men; so that there are wanting sixty-eight men for the compleating of the said Companies, which his Lordship desires may be recruited. He desires four hundred men more for the better garrisoning of Albany and other frontier places. The 4 Companies had suffered very much for want of cloathing, which was then just arrived; that their arms were very bad, not more than seven and twenty muskets fit for use in the two Companies at New Yorke, and but twelve swords, and twelve bayonets in each of those two Companies. Besides which the two Companies are in need of accoutrements and other necessaries to render them fit for service. The Militia of the Province is in a very ill state, having not been drawn out or exercised for many years last past. In consideration of the great charge necessary for carrying on the Fortifications, and of the low state of the Province, which since the Earl of Bellomont's coming there, he sayes, is grown much in debt; his Lordship further prays that your Majesty would be pleased to direct that he may have some assistance from hence for the Fortifications, as was intended by his late Majesty. His Lordship has also transmitted to us the annexed list of the *great gunns*, small arms and stores, which he thinks requisite for the defence of the Province. As for the state of the *Civill Government*, his Lordship informs us that he found things in great disorder. The animosities between parties were very high; and at the time of his arrival the administration of the Government being cheifly in the hands of unfit and mean persons, they had opprest the cheif and most wealthy inhabitants, and brought all to great extremity, which appears by many addresses presented to his Lordship from all parts within his Government for releif. In reference to the *Five Nations of Indians* bordering upon New Yorke, his Lordship gives us an account of a Conference he has had with their cheif Sachems at Albany, where he made them presents as usual, in order to confirm them in their submission to your Majesty; which, tho' a considerable charge, his Lordship judges absolutely necessary to be continued, lest the intrigues of the French of Canada and the influence of their Priests, who frequently converse and sometimes inhabit with those Indians, should debauch them from your Majesty's allegiance. In relation to *Naval Stores* his Lordship informs us that the Earle of Bellomont having formerly contracted for a parcell of masts and some timber for the use of the Royal Navy, and a vessell called the *Benjamin*, sent by the Commissioners of the Navy to fetch the same, being lately arrived at New Yorke, he had upon examination into the condition of those masts found them to be serviceable, but not of the dimensions agreed for; and having thereupon prevailed with the contractor to abate considerably of the price, he had caused them to be put on board the foresaid vessell, together with so much of the timber as was at New Yorke; adding that there was more timber lying in the woods which should be brought down as soon as the frost was hard enough to bear a sledge, but could not be done sooner. Upon all which particulars we take leave to lay before your Majesty—That as to the *Forts and Fortifications*, his Lordship may be ordered to use his best endeavours with the Assembly to dispose them to make suitable provision for repairing the old and erecting such new Fortifications as shall be judged necessary, which together with the quotas of the neighbouring Plantations (wherein your Majesty may be pleased to renew your directions) may be applyed towards this work.

And as his Lordship represents the Province to be in so low a state as to stand in need of assistance from hence, we humbly report that upon the like representation from the Earle of Bellomont his late Majesty was pleased to order 2,500*l.* should be remitted thither for the said Fortifications, whereof 500*l.* only was accordingly remitted, so that the remaining sum of 2,000*l.*

1703.

has not yet been issued. As to the *Stores and materials of War* desired by his Lordship according to the annexed list; in case the 60 pieces of cannon, 1,000 firelocks and 200 barrils of powder therein mentioned may not at this time so conveniently be spared, we humbly offer that one-third part of the cannon and one-half of the firelocks, powder and other stores therein mentioned be now sent. As to the 400 men desired by his Lordship over and above the four Companies, we do not take upon ourselves to judge how far your Majesty can spare any additional number of men. As to the *Militia* of that Province, we humbly report that amongst the Acts, which his Lordship has transmitted, there being one for the better settling the said Militia and making it more usefull for the security and defence of the Province, we have considered the same and can thereupon only offer that his Lordship be directed to take care that it be duly executed; and that in case the said Act be found by experience to be defective, he move the Assembly that further provision be made for that purpose. In relation to the *Recruits* demanded by his Lordship for the 4 Companies, we find by the accounts laid before us, that, besides what is due from the Executors of the Earle of Bellomont, there is remaining in the hands of Capt. Nanfan, late Lieutenant Governour of New Yorke, the sum of 510*l.* for respits from the 9th of March, 1700, untill the 8th of May, 1702, and in the Lord Cornbury's hands 238*l.* for respits from the 9th of May, 1702, untill the 24th of December following, whereof a particular account may be made up in the Pay Office; which respits we humbly propose may be applyed towards recruiting the said Companies, and together with what shall appear to be further due from the Pay Office upon the clearings of those Companies (which we judge to be very requisite) may be imployed so far forth as the same is applicable to this service, towards providing arms, accoutrements and other necessaries, which they stand in need of, according to the particulars hereunto annexed. As to the *Civill Government* of the Province and the unhappy divisions amongst the people we humbly report,—That having recommended to his Lordship as well as to former Governours the endeavouring to reconcile all parties, he does assure us that he has accordingly applyed himself to that work and will continue to do so, without espousing any party further than your Majesty's Service and the rules of Justice do oblige him. As to the *Indians*, we are humbly of opinion that the usual method of ingaging them by presents be continued, and especially as any extraordinary occasion may require. And we further take leave to observe, that another means to prevent the influence of the French missionaries upon them and thereby more effectually to secure their fidelity, would be that two Protestant Ministers be appointed, with a competent allowance, to dwell amongst them, in order to instruct them in the true religion, and confirm them in their duty to your Majesty. As to *Naval Stores*; having likewise received the annexed proposals from his Lordship touching such as may be procured from New Yorke, we humbly offer to your Majesty

1703.

that the same be transmitted to H.R.H. the Lord High Admiral, in order to an examination thereof and such directions as may be thought fit. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 442–450.]

April 2. **534.** John Champante to the Council of Trade and Plantations. I have already presumed to lay before your Lordships some particular hardships that John Nanfan, Esq., H.M. late Lieutenant Governour of New Yorke, had put upon him under the present administration of Government there, as by my Memorial dated the 5th of February will appear, and I must humbly desire your Lordships now to transmit immediately such orders as shall be thought most fitting. Your Lordships have been already pleased to declare that no action in the Queen's name against him should detain him in that Province, which your Lordships may be confirmed in by the conclusion of Mr. Attorney's opinion as to Graves and Prideaux's Actions against him, which is that he may be indicted here for any misdemeanours committed by him during his Government, and may be here brought to an account for any moneys he has received belonging to H.M. And as for the actions of those two men, who, with humble submission ought, now that they are within the reach of justice, to answer for their crimes committed in the Isle of Providence, I humbly hope your Lordships will think it proper to give all the discouragement possible to the said Actions, since Mr. Attorney's opinion fully shews the groundlessness of them, and since any of H.M. Governours in those parts may be put under the same difficulties if such proceedings as these are not discountenanced by your Lordships. And in this I must appeal to the opinion of Mr. Attorney in tho like case of Governour Day, which your Lordships were pleased to mention to me upon a former application of mine to your Lordships in this matter, and which was that, notwithstanding any Actions brought against him, his late Majesty might order him hither to give an account of his administration, or to that effect. Upon the whole therefore, what I humbly address myself to your Lordships for is, that Orders may immediatly go hence for Mr. Nanfan to appear here to answer whatsoever may or can be objected against him, and that he may thereby be protected against the malice of his enemies there, which the Lord Cornbury seems so much to countenance, and which Coll. Smith, the present Cheif Justice there, has neither learning or good will enough to put a stop to. *Signed*, J. Champante. *Endorsed*, Recd. Read April 5, 1703. 1½ *pp.* [*C.O.* 5, 1048. *No.* 49; *and* 5, 1119. *pp.* 458–461.]

April 2.
Bermuda.
535. Lt.-Gov. Bennett to John Bennett. *Recapitulates* his complaints against Mr. Larkin (*see Cal.* 1702, *and supra*) and declares that he was well treated in prison. *Signed*, B. Bennett. *Endorsed*, Recd. Aug. 10, 1703. *Holograph.* 12 *pp.* *Enclosed*,

1703.

535. i. List of enclosures following. *Endorsed as preceding.* 2½ *pp.*

535. ii. Copy of a Deposition as to Mr. Larkin pulling down a publication for holding a Court of Admiralty, Sept. 25, 1702. *Signed*, John Davis. *Endorsed as preceding.* 1¾ *pp.*

535. iii. Memorandum of Mr. Larkin's behaviour at a Chancery Court, Aug. 18, 1702. *Signed*, Ben. Bennett, Richard Peniston, Cha. Walker, Anthony White, Thomas Harford, Mich. Burrows, Patrick Downeing, Sam. Spofforth. *Endorsed as preceding.* 3 *pp.*

535. iv. Copy of Governor Bennett's Order to Mr. Larkin to confine himself. Sept. 30, 1702. *Signed*, B. Bennett. *Endorsed as preceding.* 1 *p.*

535. v. Copy of Mr. Larkin's first commitment, Oct. 1, 1702. *Signed*, B. Bennett. *Endorsed as preceding.* 1 *p.*

535. vi. Copy of Mr. Larkin's discharge from his first commitment, Oct. 20, 1702. *Signed*, B. Bennett. *Endorsed as preceding.* 1 *p.*

535. vii. Copy of a summons for Mr. Larkin to appear before the Governor and Council of Bermuda, Nov. 2, 1702. *Endorsed as preceding.* 1 *p.*

535. viii. Copy of Deposition by Lt. Henley, Nov. 5, 1702. On Oct. 15 he heard Mr. Larkin calling Col. Day abusive names, adding "I have opposed Governor and Government to doe you service, you dogg. Your house was on fire and I put it out, *etc.*" *Signed*, Robt. Henley. *Endorsed as preceding.* 1 *p.*

535. ix. Copy of letter from Mr. Larkin, Nov. 13, 1702, to Governor Bennett, with Capt. Bennett's remarks upon it. *Signed*, B. Bennett. *Endorsed as preceding.* 1 *p.*

535. x. Copy of Affidavit of Robert Rawlins, Marshall, against Mr. Larkin, and of Minutes of Council of Bermuda, Nov. 11, 1702, as to Mr. Larkin's declining to hear the affidavits against him. *Endorsed as preceding.* 5 *pp.*

535. xi. Copy of Deposition of Hannah Hilton, Widow, as to Mr. Larkin's seducing a mulatto slave of the Governor's named Anne or Nanney at her house. *Signed*, Hannah Hilton, her mark. Dec. 30, 1702. 2½ *pp.*

535. xii. Copy of Deposition of the said Nanney corroborating above. *Signed*, Anne or Nanney, her mark. Dec. 30, 1702. ¾ *p.*

535. xiii. Copy of Deposition of Edward Hubbard, March 1, 1702, corroborating above, *etc.* *Signed*, Edward Hubbard. *Endorsed as preceding.* 1 *p.*

535. xiv. Copy of the Representation of the Inhabitants of Bermuda against Mr. Larkin and in praise of Governor Bennett. *Signed.* Military Officers :—Anth. White, Willm. Tucker, Jno. Trimingham, Wm. Seymour, Saml. Smith, Geo. Darrell, Danl. Keell, Jno. Harvey, Leonard White, Willm. Stone, Richd. Peniston,

1703.

Nath. Butterfield, Philip Lea, Nath. Prudden, Geo. Tucker, Joseph Hinson, Joseph Todd, Florents. Cox, Wm. Watlington, Tho. Wood, Wm. Stafford, Jno. Harford, Dan. Tucker. *Justices :*—Willm. Tucker, Willm. Outerbridge, Jno. Dickinson, Saml. Smith, Geo. Darrell, Tho. Forster, Saml. Sherlock. *Council :*—Richd. Peniston, Cha. Walker, Anth. White, Tho. Harford, Mich. Burrows, Benj. Wainwright, St. Geo. Tucker, Benj. Hinson, Patrick Downing, Saml. Spofferth. *Endorsed as preceding.* 15 *pp.*

535. xv. Copy of the Bond approved by Mr. Larkin for his appearance in England. *Endorsed as preceding.* 1 *p.*

535. xvi. Petitions of several persons to the Governor and Council of Bermuda against Mr. Larkin for conveying away a debtor of theirs. *Signed,* Samuel Smith, Richard Gilbert, jr., Jane Milborne, Thos. Smith, Tho. Watkins, *his mark. Endorsed as preceding.* 2 *pp.*

535. xvii. Copy of Mr. Larkin's second commitment, Jan. 4, 170$\frac{2}{3}$. *See Minutes of Council under date. Same endorsement.* 1$\frac{1}{2}$ *pp.*

535. xviii. Deposition of Capt. Bailey, Jan. 11, 170$\frac{2}{3}$, and of Dr. Owen, March 6, 170$\frac{2}{3}$, that Mr. Larkin said that he would prevent the Governor ever having preferment *etc. Signed,* John Bayly, Geo. Owen. *Endorsed as preceding.* 1 *p.*

535. xix. Copy of the Collector of Carolina's letter to the Secretary of Bermuda, relating to the sloop *Shadow* and her clearings. Feb. 23, 170$\frac{2}{3}$. *Endorsed as preceding.* 4 *pp.*

535. xx. Deposition of Capt. Sandys, March 1, 170$\frac{2}{3}$, that Mr. Larkin frequently spoke slightingly of the Governor and on Nov. 28, approaching him in an absurd manner demanded his ticket to be gone, and when the Governor asked him for his clearings as Master of the *Shadow,* he said he could not, and then that he would not *etc. Signed,* Lanc(*elot*) Sandys. *Endorsed as preceding.* 1 *p.*

535. xxi(*a*). Deposition of Capt. Matthew Newnam, March 1, 170$\frac{2}{3}$, as to Mr. Larkin's opprobrious language about the Governor. *Signed.* Matt. Newnam. 1$\frac{1}{4}$ *pp.*

535. xxi(*b*). Deposition of Lt. Henley *to the same effect. Signed,* Robt. Henley. $\frac{1}{2}$ *p. The whole endorsed as preceding.* [*C.O.* 37, 4. *Nos.* 24, 24.i.–xxi. ; *and* (*list only*) 38, 5. *pp.* 430–433 ; *and* (*duplicate of No.* xiv.) 37, 26. *No.* 2.]

April 2.
Whitehall.

536. Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order in Council of March 4, requiring us to lay before your Majesty an account of the salaries, which now are or may be properly assigned to the respective Governours of the Plantations, for the better enabling them to support the dignity of the several Governments, and for the hindring them, for the future, from receiving presents from the General

1703.

Assemblies there, we humbly represent, that as to Barbadoes and the Leeward Islands, there is a duty established of four and an half p. ct. upon all dead commodities exported, in consideration of all duties belonging to the Proprietor, and for confirmation of their estates, for maintaining the honour and dignity of the Government there, the reparation of the Forts, and other publick charges, which duty in Barbadoes has one year with another amounted to about 10,000*l.* sterling, and in the Leeward Islands to about 3,000*l.* sterling p. ann., for the disposition whereof an humble Address was likewise presented to your Majesty by the late House of Commons that the same (subject to an Annuity payable to the heires of the Earle of Kinoule) be applyed for the repairing and erecting such fortifications, and other publick uses for the safety of the said Islands, as your Majesty shall direct. That out of the said duty in Barbadoes there has been hitherto assigned 1,200*l.* sterling p. ann. salary to the Governours of that Island; but that summe having been judged not sufficient for their support, they have been permitted from time to time to receive presents from the Assemblies, and considerable summes have accordingly been raised by publick levies; for the preventing of which practice we humbly propose that your Majesty would be pleased to add the summe of 800*l.* sterling p. annum out of the said duty of four and an half p. cent. to the present salary of the Governour of that Island, which by such addition will amount to 2,000*l.* sterling, and may be a competent maintenance for that Governor without dependance on the people. And we humbly offer that upon the establishment of 2,000*l.* p. annum, as aforesaid, your Maj. do signify your express pleasure that no Governour, Lieutenant Governour, Commander in Chief or President of the Council of Barbadoes for the time being, do hereafter receive any gift or present from the Assembly, and likewise that no Assembly do make any such gift or present to him or any of them, upon any account whatsoever, except only that there being no house appointed or set apart for the Governour, and it having been customary for the Assemblies to make a temporary assignment of a house, or rent for the same, out of the publick levies, your Majesty may be graciously pleased to permit the Assembly to assign such a house or rent for the same not exceeding 300*l.* sterl. p. annum, out of the publick levies, and to allow the Governour to accept thereof (notwithstanding what has been before offered) untill a house be built for him; provided always that this be done at the first Session of the Assembly after such Governour's arrival or receipt of your Majesty's order in this behalf, and that it be assigned him for the whole time of his government. And we do thereupon humbly observe that the foresaid increase of salary being supplyed by your Majesty out of the duty of four and an half p. cent., the Assembly of Barbadoes (and other Assemblies in the like case) will have an opportunity and be in a condition of applying these large summes which they usually gave in presents, by yearly levies to their Governours, towards such other publick uses as may be most necessary for the defence and safety of those Plantations, and we humbly conceive that in consideration of your Majesty's goodness in exempting them from this customary burthen of presents, they may be the more easily induced to contribute in such other manner to their own preservation. As to the Government in the Leeward Islands; we likewise humbly represent to your Majesty, that the present salary of the Governour in Chief, arising out of the said duty of four and an half p. cent. there being no more than 100*l.* sterl., the insufficiency thereof has been the reason (as in Barbadoes) that the Governours have been permitted to receive presents from the Assemblies of those Islands: and we therefore humbly propose that your Majesty be pleased to add the summe of 500*l.* sterl. p. annum out of the said duty of four and an half p. cent. there, to the present salary of the Governour in Chief, which by that addition will amount to 1,200*l.* sterl. and may be a competent maintenance for him. And whereas besides the Governour in Chief of all the Leeward Islands, there are particular Lieutenant Governours of each of the said Islands vizt. of St. Christophers, Antego, Nevis and Mountserrat, who have no established salaries; we humbly conceive that if your Majesty would be pleased to appoint the summe of 200*l.* sterling p. annum to each of them out of the said duty of 4½ p. cent. if your Majesty shall so think fit, it would likewise be for your Majesty's service and the interest of this kingdome in reference to trade, and otherwise, in freeing such Lieutenant Governours from their obligation to the Assemblies; whereby your Majesty may be likewise enabled to send from England fit persons for those commands, as there may be occasion. And we thereupon humbly offer that the same instructions be signified to the Governour, Lieutenant Governours, Presidents and Assemblies of the Leeward Islands, as to the Governour and Assembly of Barbadoes, with the like exception, that the Governour in Chief and Lieutenant Governours be permitted to accept of a house, or rents for the same, from the several Assemblies in the same manner, as proposed for Barbadoes. As to Jamaica, there being an established salary for the Governour of 2,000*l.* p. annum currant money of that Island, out of the revenue arising there for the support of that Government, we humbly offer that the same be made up out of the said revenue, 2,500*l.* of such currant money, which may amount to about 2,000*l.* sterling, and that the like directions be given herein as in Barbadoes and the Leeward Islands; excepting only what relates to a house, your Majesty having already a house there convenient for the residence of the Governour. As to the Bermuda Islands, there being 160*l.* p. annum settled by your Majesty for the support of the Governour, out of the Shares of Land and Licences for Whale-fishing there, and the further sume of 240*l.* out of your Majesty's Exchequer, making in all 400*l.* sterling, we humbly conceive that the addition of 100*l.* p. annum more out of the Exchequer may enable him to support himself in that Government without presents from the Assembly. The salary of your Majesty's Governour of Virginia being 2,000*l.* sterling per annum, we conceive the same sufficient for his maintenance without receiving any presents from the Assembly.

1703.

As to the Government of Maryland we find the constant revenue arising by the two shillings p. hogshead upon tobacco exported to have amounted in the year 1701, to about 3,200*l.*, one moyety whereof is belonging to the Lord Proprietor, and the other moyety being for the support of the Government, one fourth part thereof is by Act of Assembly to be applyed to the buying of arms, and the other three fourths amounting to 1,200*l.* is applicable to the Governour's salary; besides which an Act was past upon the arrival of the last Governour in Maryland for raising a Revenue of three pence p. hogshead as an additional allowance to him for his better maintenance, during his Government; which may amount to 500*l.* p. annum more; and there being no house in Maryland for his reception, we humbly conceive your Majesty may allow the Assembly to repass the like Act for the better maintenance of the present Governour provided the same be for an unlimited time, or during his Government. And that the said Governour be not permitted to receive any present or gratification from the Assembly upon any account whatsoever.

The salary established to be paid out of your Majesty's revenue in New Yorke to that Governour, being no more than 600*l.* sterl. p. annum, which is no ways sufficient, and that defect having been hitherto supplyed by presents from the Assembly; we humbly offer that 600*l.* more may be added to it out of the said revenue, which 1,200*l.* may be a competency for his support. And upon the settlement thereof we humbly propose that the like directions be given in New York, in reference to presents as for other Colonies.

As to the Province of New Jersey which has been lately brought under your Majesty's immediate Government, and the Lord Cornbury constituted Governour of the same as of New York, we conceive the Assembly there ought to settle a constant and fixt allowance for the maintenance of their Governours as also of the Lieutenant Governour who is to be resident there.

As to the Province of the Massachusets Bay, which is a Charter government, the inhabitants have been always averse to any compliance with the directions that have been frequently sent them from hence for settling a fixed revenue for the support of that Government, or the Governour. And upon application made to the Council and Assembly by Coll. Dudley your Majesty's present Governour, pursuant to your Majesty's Instructions to him, they have wholly declined the same, persisting in their usual way of making only temporary provisions for the charge of the Government; whereby they have kept your Majesty's Governours there in a continual dependance upon them for voluntary presents, which to the present Governour have been as yet very inconsiderable. Whereupon we humbly offer that your Majesty would be pleased, by a letter under your Royal Sign Manual directed to the Council of that Province, to be communicated likewise to the Assembly, to require them that in consideration of the great priviledges they enjoy, they do settle a constant allowance suitable to the character and dignity of that Government

1703.

without limitation of time upon the Governour, together with a fitting provision for the Lieutenant Governor or Commander in Chief for the time being. In which letter it may be intimated to them, that if they neglect this opportunity of complying with your Majesty's just expectations, your Majesty will be obliged to have recourse to such remedies as may be proper and effectual in order to a due provision therein. As to New Hampshire, where no certain provision has yet been made, we conceive there ought likewise to be a fitting salary without limitation of time raised by the Assembly; and we humbly offer that directions be given accordingly. As to the Proprietary and Charter Colonies, vizt. Rhode Island, Connecticut, Pennsylvania, Carolina and the Bahama Islands, we cannot propose anything upon this occasion; the Governours of those Colonies not being appointed by your Majesty, and depending either upon the Proprietors or the people, from whom they have very mean and uncertain salaries; which incourages them to connive at unlawful trade and other irregularities inconsistent with the interest of this Kingdome, which great mischief can only be remedyed, as we humbly conceive, by reducing those Colonies to an immediate dependance on the Crown. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 324. 8. *pp.* 229–240.]

April 2. Newcastle. **536.** Minutes of Council of New Hampshire. A General Thanksgiving ordered to be observed on April 8, for the many great and wonderful successes of H.M. forces etc. [*C.O.* 5, 789. *p.* 143.]

April 2. **537.** Minutes of Council of Virginia. Guy Smith, Clerk, elected one of the Governors of William and Mary College, took the oaths appointed and subscribed the Test.

April 3. Whereas Capt. Alexander Bowdidge, Commander of the *Thomas and Joseph* now in York River, hath brought into this country diverse Naval Stores for the use of H.M.S. *Southampton*, which is sailed, ordered that he send a copy of the particulars, that H.E. and Council may consider where the said stores may be best secured for H.M. service. [*C.O.* 5, 1412. *pp.* 55, 56.]

April 3. Bermuda. **538.** Lt.-Governor Bennett to Mr. Popple. *Refers to letter of Dec.* 24, *and acknowledges receipt of* those of April 13 and Nov. 13, "wherein you mention that their Lordships had wrote to me upon several occasions, 16, 17, 19th March, April 13 and July 13, and that duplicates of them all had been sent by different conveyances, none of wch. has come to my hands but that of April 13. Pray in your next let me know which way they were sent, for there must be some contrived interception, for it is not reasonable to believe so many pacquets should accidentally miscarry, and if possible I'le find it out. I fear the disaffected partie here are concern'd in it. *Refers to his own letters.* I will take care to answer Mr. Larkin's letter (Aug. 19, 1702) so distinctly that I hope to satisfie their Lordships that it was a malitious

1703.

contrivance and very little of it true, and that it certainly was the dictates of Col. Day (who I am sorry to mention being dead, but since I am forced for my own justification, I hope it will not be thought ungenerous), Judge Nelson, Dr. Starr, late Sherif Jones, *etc.*, and that it was not wrote from Mr Larkin's own observations as he pretends. *Repeats previous letters.* I am concerned the unhappy accident that gives the occasion of relating to you that on Jan 7 or 8 all the whole point at Jamaica was burnt, except the Fort; it's thought it began by treachery, the fire breaking out in so many places at once. I had this acct. from a master of a vessel that came from thence about three weeks since and saw the ruins. He further adds that about 14 days ago he spoke with a ship in the sea, the Capt. of which told him that the Fleet was arrived at Antigua, that brought my Lord Peterborrow over.

I was in hopes of sending the packet mentioned in my last long since, but Mr. Larkin finds out a new business for me every day, I verily believe there is not his fellow in the world, nor such assistance as he has in mischief, as Judge Nelson and Dr. Starr. My brother in his letter has some forerunners of my next pacquet, which I presume will allay the bitterness of Mr. Larkin's expresses. If H.M. orders Mr. Larkin to be at liberty here and live as he has thought, lawless, I am satisfied I shall be daily insulted and the Government and Country put in confusion. Therefore I hope their Lordships will be of opinion that he be subject to the inflictions and penalties thereof, as any other inhabitant, for I find he intends to stay amongst us; and I further request that if my reputation or conduct be in dispute, that I may have time to come and answer for myself, for my life is not significant to me when my honour is in question, unless where H.M. service is concerned, wch. I have been a martyr to since Mr. Larkin came here, for no gentleman ever in my post suffer'd so many indignities, affronts and barbarous afflictions both in publick and private capacitie as I have done. *Signed*, B. Bennett. *Endorsed*, Recd. 21st, Read July 22, 1703. 3½ *pp.* [*C.O.* 37, 4. *No.* 20; *and* 38, 5. *pp.* 411–416.]

April 3.
Bermuda.

539. Lt.-Governor Bennett to [?]. Duplicate of preceding. 4 *pp.* [*C.O.* 37, 26. *No.* 1.]

April 3.
St. James's.

540. Order of Queen in Council, upon Representation of April 2, directing the Council of Trade and Plantations to write to Governor Lord Cornbury signifying H.M. directions as therein proposed, and to the several Governors and Proprietors of H.M. Plantations adjacent to New Yorke for the furnishing their respective quotas to the assistance of that Province as there shall be occasion. *Signed*, Edward Southwell. *Endorsed*, Recd. 10th, Read April 19, 1703. 1½ *pp.* [*C.O.* 5, 1048. *No.* 51; *and* 5, 1119. *pp.* 471–473.]

April 3.
St. James's.

541. Order of Queen in Council. Referring the report of H.R.H. the Lord High Admiral (*see* March 24) to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. 9th, Read April 13, 1703. ¾ *p.* *Enclosed*,

541. i. Copy of Report of the Lord High Admiral *given March* 24, *supra*. *Signed*, George. *Countersigned*, Edward Southwell. 2¼ *pp.* [*C.O.* 5, 863. *Nos.* 15, 15.i ; *and* 5, 910. *pp.* 457–462.]

April 3.
St. James's.

542. Order of Queen in Council. Approving Representation of March 23, and ratifying the Act of the Leeward Islands accordingly. *Signed*, John Povey. *Endorsed*. Recd. Read May 6, 1703. ¾ *p.* [*C.O.* 152, 5. *No.* 22 ; *and* 153, 8. *pp.* 172, 173.]

April 4.
Boston.

543. Governor Dudley to [? *the Council of Trade and Plantations*]. Since my last I have holden another Assembly for this Province, and in a very pressing manner I have laid before them their own interest and benefit as well as duty to H.M. to restore the garrison at Pemaquid, and with much difficulty the Council have again agreed it, but with so much uneasiness as has further encouraged the Representatives in their obstinacy flatly to refuse it, so that I know no method further with them in the affair. I am sorry to make this Representation so contrary to H.M. just commands. The Castle of this place is a very good and honorable work, and will be finished in two months more, at about 6,000*l.* value, and I have directed Col. Romer to raise a small work at Marblehead, and then to begin at Pascataqua, where that very little Province have given 500*l.*, and are willing to add their labour to make a greater summe. Mr. Brenton has obeyed your Lordships, and last week took a receipt of Mr. Ichabod Plaisted for 25*l.* per annum paid him to this day for the service about the masts, which is the full half of that salary, and I believe he is very diligent in the duty of his place. The Lieutenant Governor and Mr. Sheafe have attended me in the article of enumerated commodities imported from the Massachusetts. It was three bags of cotton wool, wch. against all law was acquitted by the Jury, but I have reseized it, and put it into the Court of Admiralty, where Mr. Newton, Deputy Judge under Mr. Atwood sits, who dare not acquit it, but says he is unwilling to condemn it because it has been acquitted in another Court. If I might be honoured so far as to have Col. Byfield appointed Judge of the Admiralty, I should answer for his just proceeding here. In this matter it depends upon the late Act of Parliament impowering the Admiralty to hear and determine all causes of the Revenue, and I hope your Lordships will command that he give judgment in it, and I shall stay the wool under seizure till I shall have your Lordships' commands, though it is taken very severely that the wool has been now holden twenty months under seizure without an issue.

My Lords, I am exposed to the insults of an enemy for want of a guardship here and another at Pascataqua, which the French at Placentia and Port Royal know very well. I pray your Lordships' favour therein. My Indians are yet unexpectedly at quiet. But I have just now the advice of an English privateer

1703.

unhappily going ashore at Penobscott, and killing and doing mischief there, which may cause a rupture. I have all things in readinesse and two companies of foot I marched into the Province of Mayne this week, that I be not surprised if they rise. I pray your Lordships' favour to obtain a settlement for a salary for the Governour and Civil List here, which I can by no means obtain from the Assembly, that I may be supported here in H.M. service. *Signed*, J. Dudley. *Endorsed*, Recd. June 30, Read July 13, 1703. 3¾ *pp.* *Annexed*,

543. i. Abstract of preceding. [*C.O.* 5, 863. *Nos.* 16, 16.i.; *and* (*without abstract*) 5, 911. *pp.* 75–78.]

April 4. Boston. **544.** Governor Dudley to the Council of Trade and Plantations.

Repeats preceding, and adds ; Since the falling down of the ship, I received from New Hampshire inclosed copies of the two Acts of the last Assembly, and of the Act for raising the 550*l.* before my arrival, and another copy of the fines and amerciaments for seven years last past, of which with the first copy I humbly gave your Lordships account of the plea offered me by the gentlemen here, that the whole at no time passed, but often fell short of the Justices' allowances for their Sessions, and so nothing came into H.M. Treasury, but if your Lordships please to direct otherwise for the future, it shall be obeyed. I have also by H.M.S. *Gosport* arrived this day from Jamaica (viz. April 11th), the good news that the two storeships of provisions, and the two foot companies I sent by H.M. especiall command together with about 14 victuallers in company are all safe arrived at Port Royal and very seasonable, considering the great disaster of the fire there. *Signed*, J. Dudley. *Endorsed*, Recd. Nov. 20, 1703. Read Jan. 7, 170¾. *Mem.* [? *by Mr. Popple*]. The papers therein referred to are not sent. 3¾ *pp.* *Annexed*,

544. i. Abstract of preceding. 3¾ *pp.* [*C.O.* 5, 863. *Nos.* 17, 17.i.; *and* (*without abstract*), 5, 911. *pp.* 175–176.]

April 5. Whitehall. **545.** Journal of Council of Trade and Plantations. Mr. Attorney General's opinion as to the coast lands in New Hampshire read. Copy ordered to be delivered to Mr. Usher.

Letter from Mr. Story, Secretary of New Hampshire, read.

Order of Council, Jan. 21, approving Lord Cornbury's Instructions, read.

Orders of Council, March 4, relating to a Charter for the Importation of Naval Stores, read.

Order of Council, March 20, approving an Act of New York, read.

Order of Council approving Col. Seymour's Instructions, read.

Memorial from Mr. Champante read.

Letters from Mr. Broughton, Attorney-General at New York, read.

Ordered that Mr. Lund, named by him, have notice to attend on Thursday.

1703.

April 6. Letter from Mr. James Cowse to Mr. Attorney General, Barbadoes, Feb. 2, relating to delays he met with in a suit at law there, having been communicated to the Board from Mr. Attorney, ordered that a letter be prepared to Sir Beville Granville in behalf of Mr. Cowse to the like effect as that lately writ in behalf of Mr. Hodges.

Ordered that circular letters be prepared to the Governors of all H.M. Plantations for expediting of Justice in their respective Governments, and transmitting accounts of the proceedings of their Courts of Justice.

Mr. Perry, Mr. Byfeild and Mr. Godin offering to the Board a Memorial relating to hardships put upon their correspondents in Carolina upon occasion of the late expedition from thence against St. Augustin, the subject of which Memorial appearing upon perusal to be a matter of State, and requiring hast, the same was returned to them, and they were advised to make their first application to H. M. by a Secretary of State.

Draught of a letter to Governor Lord Cornbury was agreed upon and ordered to be transcribed.

April 7. Above letter signed.

Letter from the Earl of Nottingham, relating to Newfoundland, read.

Mr. Merrit thereupon ordered to attend to-morrow with one or more persons who have been acquainted with that country, in order to answer such enquiries as there may be occasion to make relating thereunto.

Mr. Usher desiring their Lordships to report upon H.M. Order in Council relating to Mr. Allen's title to the coast lands in New Hampshire, directions were given for preparing a representation accordingly. [*C.O.* 391, 16. *pp.* 55–61; *and* 391, 97. *pp.* 265–273.]

April 5. **546.** Minutes of Council [*in Assembly*] of Barbados. *See following abstract.* Lovis Lameth, a Frenchman who was taken in the French King's service, desired to take the oath of allegiance to the Queen of England, as also the oath of abjuration, he being a Protestant, and that he might have leave to stay here, being willing to serve H.M., which was granted, and he took the oaths and signed the Test.

Joint-Committee appointed as desired by the Assembly.

The Speaker read a paper which he said was a further answer to the reply of this Board to the answer of their House. But the President having declared by his reply delivered them that he would word it noe further with them, and that he did not think it worth his while to take any further notice thereof, it conteining so many untruths and falsities [*sic*]. [*C.O.* 31, 8. *pp.* 15, 16.]

April 5. **547.** Journal of Assembly of Barbadoes. The House met by vertue of a special call from the President, who informed them that he had received a letter from the General of the Leeward Islands, that gives an account that the forces there had attacked the Island of Guardeloop, that they wanted 20 barrels of fine powder, and about 40 barrels of shot, and desired that it might be sent down with all speed for that service. [*H.E. recommended*] that the two petitions of the Hon. Saml. Cox that lye before the Assembly may be considered of and dispatched.

Resolved, that a joint-Committee be appointed to inspect the stores and to send Col. Codrington 20 barrels of fine powder and what ball there is already made, and that persons be employed by them, if there be occasion, to buy lead on the country's account for the making more ball. And this day 'tis ordered to cast the same quantity of balls as they shall think fit to send away for H.M. service, and that Col. Codrington may be desired to passe a receipt for the powder and ball.

The following reply was delivered to the President's paper of Feb. 19:—Nothing can be more agreable to all our desires than the happy discovery of an expedient to remove our heats and unite divisions, and to settle in the present conjuncture a good understanding between ye Honourable ye Members of H.M. Councill and this House, and thereby establish such a mutuall trust and confidence in each other (which your unjust suspicions of us have hitherto prevented) as are absolutely necessary for our joynt carrying on our publick interest for ye Honour of H.M. and our own safety. But when wee consider the fruitless advances and offers which we have in a former paper made towards a reconcilement, and that the measures we have hitherto taken prove (wee feare through prejudice and prepossession) insufficient and ineffectuall to gaine that end and have rather produced effects diametrically opposite to our aims and intentions; we were at at a stand and had some thoughts to lett the unseasonable controversy have stopt untill we could be heard by an impartial judge with a requisite calmness and eveness of temper; but when we further consider that our silence may by some be made an argument of our guilt, and that to say nothing were to confess ye charges, wee have changed our resolution and made ye following reply to your Honour's Paper dated Feb. 19th, 1702, tho' a great part of ye Paper is taken up with bitter invectives against our Speaker, and tho' they reflect not only dishonour upon us but upon ye many former Assemblys, that have constantly chosen him to ye chaire, yet think it needless now to be his advocate, for when we consider how many years he has been chosen by every voyce of his parish to represent them in ye Assembly, and in how many Assemblys he has been (with a *nemine contradicente*) elected their Speaker, wee think his reputation so well establisht, as not to be shaken by a few angry reflections; the rude (nauseous rather than) fulsome and irreverent expressions which you charge him with useing before my Lord Grey, none of us remember anything of, tho' many of us were then Members of that Assembly, and we are apt to believe that if he had been guilty of such an indecorum, he would not have continued for much in that good Governor's favour to the last, as wee know he did. Now it is our wonder how these sweet words have been so long thus carefully preserved, for we suppose that T——ds, f——ts and A——s have no room in your Honour's diary. The rationall charitye

1703.

(for other we know not) which your Honour professes to have used towards us in your construction of our words and actions, wee cannot discover (nor do we think in the present case we much want) but find that our meaning in both of them have been misinterpreted by your commentarys and glosses thereon, to some of which in ye following sheets we will point. We shall not spend time in justifying ye propriety of ye title which you say we give our last paper (vizt. Modest Vindication) because will not differ with you about words only, but say, by vindication in that place we mean nothing but what ye word commonly imports, vizt. a clearing ourselves from ye imputation of ye misfeazeances you charge us with. And that it is modest throughout, wee are still persuaded notwithstanding your Honour's objection against it, for when we are accused of dishonouring H.M., disparaging her Government, and lessening her authority, to reply that ye most malicious of our enemies could never charge us justly with such black crimes, we think not immodest; or when you are asserting your owne, and ye Members of the Councill's diligence and sedulitye, and condemning us of negligence, to answer, wee question not now your diligence, because recrimination is not our businesse, surely this is not immodest also, for tho' we charge you not with any faulty stepp, yet we presume you think not yourselves inerrable, for the poet says, *Aliquando bonus dormitat Homerus*, and thus we think of the other immodestyes, which you charge us with. That we have given a false representation of our actions and proceedings on the ship Bill, in favour of ourselves, and prejudice to you, we can't allow, nor have weo said, that ye reasons that hindered the speedy passing it were severall objections relating to the securitye of the gentlemen, that were to advance that money: we doe and must constantly declare that how unanimously soever you reckon our zeale in that businesse, wee had none but what wee designed for the publique good, and that however earnest or importunate our instances were, wee had no other motive thereto or ground for than that the Bill might pass to the satisfaction of the advancers, who assured us then (and will now affirm itt) that they would not make the loan if a tittle of the Bill were altered. We cannot acknowledge that wee were then or at any time guiltye of anything that lookt like threats; for we only submissively enough said, that if we wanted the money by the non-passing of the Bill, wee should be forced to dismisse the vessels, and because no other business then before us, would adjourne our house, and that the consequent evills would be chargeable (not we could charge) to your Honour. We disclaime and abhorr all malicious and seditious designs to surprize, and must disown that there was any cajolery or persuasion used either by the Speaker or any other, to those moderate and prudent Members (a very usefull distinction at this time) that you suppose highly disapprove of our proceedings, to bring them over to espouse Mr. Speaker's errors; but must averr that it was past with a *nemine contradicente*, for all your supposed high disapprovement. That your Honour was sending a profest Papist with the Flag of Truce to Martinico, must again assert,

1703.

but don't say that your Honour knew as much when you first designed to employ him in that affaire, nor were convinced thereof until Col. Peers declared it; but had it been a bare suspicion (or as your Honour calls it, a slight suggestion) from this House wee humbly conceive it had not disparaged that Honble. Board to have made a change immediately for the gentleman that we recommended; that we averred that we had a right to recommend in such cases, we must not owne, but that we have been consulted in the like cases is notorious. That the Gentleman presented afterwards refused to goe, was not because he was not accepted upon our first motion, but for that you would have enjoyned him to have taken the Papist for his Interpreter, which he thought inconvenient and hazardous. Now it was at that time, when your Honour called that which we addressed for, slight and triviall (and not when wee prest the passing of the Bill for fitting out shipps etc.,) that our Speaker declared that wee lookt upon ourselves to be the Grand Council of this Island; for the clearing of our meaning by that expression, wee have offered some reasons in our former paper, but because you have ridiculed some of them as childish, we shall further say, (1) that our assertion was not comparative, (2) if it had been, if the comparison had not been *secundum idem et eodem modo*, it had proved nothing. Now, suppose I should say to my friend, I am quicker and nimbler than you, and he should say, I am nimbler than you, and should offer a race or a leap to determine the dispute, untill I answered nimbler with my pen and not with my heales; now both these propositions may be true at the same time, because not *secundum idem et eodem modo*, which it was otherwise impossible to be. But suppose it had been a comparative proposition, why must the comparison relate onely to dignity rather than numbers or bulk; for wee know that a Governor of this Island told the Assembly, that they had chosen a great man for theire Speaker, meaning a large man. Wee were of opinion that the latter was the genuine and obvious interpretation of the words, as they were placed, for please to consider that wee said wee were chosen by all the freeholders in every parish, soe that our tenure being from the people, how came wee by the thought of our supereminent dignitye. Wee humbly conceive you will not allow them the gift of honour and dignitye, because they have none to give, so that if wee supposed ourselves to have itt, that thought must be the issue and bratt of a Phrenzie (that your Honour supposeth our rage had run us into) which, as the Proverb sayes, has no faults morally speaking, upon which score we had deserved rather your pity than those keen animadversions. But if we were not then actually madd, our folly was very eminent and egregious, for if we believed ourselves superior in dignitye and jurisdiction, why did wee come as Petitioners to your Honour, and returne without a grant? And why did our actions run counter to the designs and aimes of our ambition? Why did we acknowledge in our former paper, that the constitution of our Government was such, that it could not be mended, and yet at the same time act so contrary to our true interest as to endeavour a change?

But we say further, that as we are elected by the inhabitants, soe believe we are of Councill for them, in relation to their privileges and purses ; wee can give your Honour some quotations (when you'l please to require them) in which the House of Commons, seperate and abstract from the House of Lords, is called the Great Council of England, and the bulwarke of English libertyes. We can also offer you many to prove the propriety of the verb *admonish* in the sense we have used itt, not onely in our vernacular language, but in other better polisht and of more generall use. That we represent the whole body of the people of this Island, wee are perswaded, and for that reason addrest your Honour to prevent the evils that may befall them by sending a Papist in such an employ to our enemyes. But to say you represented yourselves, can't easily believe ourselves guiltye of such a blunder in sense. You very well know (we are assured) that a Peer of the Realm of England is denyed his vote in the election of any Member to serve in Parliament, from whence it is plainly evident that as the House of Commons is elected onely by, so they represent all the Commons of England. If then you'l allow our Government here by Governor, Council and Assembly to hold any analogy with or resemblance of that in England by King, Lords and Commons, wee conceive that wee shall not appeare guiltye of soe much ambition and madnesse as you charge us with. 'Tis true that upon a review of the vast expenses we have made for fitting out a small navall force to assist H.M. ship in securing our trade, our great losses and successlesse event, we were inclined to believe that our misfortunes were in a great measure due to the ill-conduct and mismanagement of the persons commissioned, and for that reason have entered a resolve in our Books to raise noe more money for such uses, unlesse the persons that wee shall recommend for that trust be accepted. Our former Governors have not thought our recommendation of persons to the Chief Offices for Trust (vizt. Treasury and Magazeen) in our Island, an imposition on them, or a diminution of the regal authoritye ; nor have the Kings refused or excepted against those Lawes that give us that Libertye, wherefore it is our wonder how that resolve came to exasperate your Honour soe much against this House.

When wee answer that wee owe no deference to the Members of H.M. Council here, but what reason and Civill respect exact, to inferr from thence that wee deny their politicall superioritye and our subordination, and allow it only precarious, is we dare say, an irregular conclusion, notwithstanding the opinion you have of our abilityes in Logicke to be as low as that of ours in Grammar ; wee thought those words had been so free from ambiguitye and equivocation, that they had need of noe explanation, and that our meaning therein was plainly intelligible, but because wee now see they are wrung and drawne to a distant signification, wee will give your Honour a faithfull explanation of our meaning, vizt., wee look upon ourselves as a collective body and parte of the Government independent on any except the Governors (which we humbly conceive now to be the President) from whom we have

1703.

our existence, by deference we meane an implicite comeing over, or a yielding to their opinions or judgments in debates, without the conviction of our reason, which deference we refuse to give, because that from our constitution we enjoy a negative voyce or libertye to dissent, and which libertye whoever denyes in disputes between such bodyes would make his or theire owne opinions the measure of truth, it might seem intends a quarrel rather than a calm dispute. All other deference and regards which are due to persons in your elevated posts, we'l constantly pay you as true plain Englishmen without any dissimulation or much ceremony. This we look upon to be preferrable to modish hypocrisye, accompanied with cringes and grimace, and this we conceive is all that is justly expectable from us, without you would have us Country Putts or under Spurr Leathers. And as we readily acknowledge our being from your Honour (Quatenus President or Governor), soe wee as franckly confesse and will as cheerfully obey your power of dissolving when ever you'l please or think fitt to exert itt, nor will wee ever spurn against H.M. authoritye, but always approve ourselves her dutifull and loyal subjects, and never deserve those virulent epithets which you have very liberally bestowed upon us through both your papers. To have both the causes we have assigned of some of our speedy adjournments burlesqued and we banterd, as if we were supposed to be of opinion that we were under the fatall necessity of the Stoicks to doe evill, we think not fair usage, and because you can't find the force they should otherwise have upon our adjournments for your satisfaction, we will offer you two late instances wherein sicknesse and other avacations determined those sessions. The first was in Major Estwick's, who being in the Council Chamber suddenly taken very ill, and we then but a bare House, forced our speedy adjournment. The other was in the case of Mr. Harper, who had appointed the next day (on which we had resolved to continue sitting) to receive possession of a very considerable estate that he had purchased, and soe because we could not on that day attend the business of the House, forced alsoe a speedy adjournment.

Whereas your Honour charged us (in the first paper and to which we did not then particularly answer) with a refusall or neglect to reassemble upon your Message to us, presently after our adjournment entered, we say for our vindication that it was our opinion that the Speaker could not justly then recall the House without your Honour's written command or summons. That your Honour had matter of moment to imparte to us from (we suppose St. James's not Whitehall) wee were wholly ignorant of, particularly of the grant of the 4½ per cent., of which you have lett us yet know certainly but very little, and because wee did not forthwith run away like hasty messengers with but half our errands, you very obligingly concluded that we delayed our thanks until we shall be convinced that our merciful Queen deserves them.

We confesse we refused to consent to the delivery of our country's brigandine (purchased with our money, a great parte of which was advanced by the Members of this House, because of the great scarcity of money, and restrained by a Law to the service of this Island) to H.M. Captains without securitye to return her or her value in a limited time, which we presume we might justly do in behalfe of the people with whose money she was bought, nor were we obliged to consider more their distaste than our interest in that case, how ridiculous soever you may think our carriage in that matter to be. That she now lyes useless, we have these reasons to assigne, vizt., that we have made a vast expence of money in her former cruices, and we believe the rough mismanagement and ill conduct have not reaped the least benefit or advantage thereby. The backwardness that you accuse us of to provide for the safeguard of our coast, and the small care that we take to pay our seamen and soldiers noe disinterested person will thinke us guiltye of, when it shall be considered that we have expended upon the first a great summe of money, and have charged by poll and other taxes upon the people since September last neer 20,000*l.* (besides the excise) to pay the latter and beare the other charges of the Government, and we have alsoe made excessive taxes of labour for repaireing and rebuilding our fortifications; all which no Assembly since the first settlement of this Island have equalled. We must declare and averr that your Honour noe sooner intimated to us your sudda'ne expectation of our Governor's arrivall, than we did consent to allow 100*l.* to prepare a dinner to receive him on shoare, which considering our present indigences was (we think) no small summe. That it has been a custome here to receive any Nobleman on shoare, and treat him at the countrye's charge, we cannot allow, and now the great povertye of the people which we represent will not bear such a charitable innovation The requirings and demands of the Commanders of H.M. soldiers brought here in H.M. ships under the command of Commodore Walker, were at first onely to provide for there lodging on the shoare, so that they might receive the benefitt of our fresh aire, to which we without any delay consented (tho' they were infected with a contagious disease) and desired that they might be lodged in the several forts of this island. But when they demanded free quarters in our severall Plantations, wee did not soe readily yeaild, not onely for feare of the infection, but chiefly for the great scarcitye of victualls necessary to support our lives; for its sufficiently knowne to all ye English world that we had all (through unheard of drought of the two last yeares) certainely starved but for the vast importation of victualls from England, Ireland and the Americane Colonyes. It's as certaine also that we had not here at the time a fortnight's salt provisions for our whole Island, yet notwithstanding such scarcitye, wee in hopes of the speedy arrivall of some recruites, gave them a month's quarter, and upon the arrivall of some from Ireland and New England, consented to give them another month alsoe, to our very great charge. That we take not care to informe our Agents, is but yr. guesse, for tho' (wee feare) we have not done itt sufficiently, yet wee have not wholly neglected itt. That we

1703.

are considerably in theire debt is imputable to the small cropps we made, which were scarcely sufficient to buy provisions for the support of our lives, but designe in a small time to pay that debt to theire satisfaction. Wee beleive you accuse us unjustly of negligence and disrespect in refuseing to continue sitting one day longer at yr. Honour's commands, whenas our wills was great and our endeavours earnest and fervent for it untill we were fully convinced of the impossibility of making a quorum that day, and then on our adjournment to shew our zeale and forwardnesse for dispatch of publique businesse, we interposed onely two dayes before we reassembled.

In the close of yr. paper we can't but observe and celebrate the great candor you shew to us, particularly when you suppose that to gratifye our ambition, we aime and drive at an exorbitant and illegal power, to the disservice, and dishonour of H.M., and disinterest of this people, which noe body else that knows us did ever suppose. Whereas we have constantly affermed, and never 'tis hoped contradicted it by our practice, that we would sacredly keep within our old just boundaryes, and never soe much as offer to leap those barriers, because wee hate Anarchy as well as Tyranny, into the first of which such an attempt would infallibly plunge us, and from which (beside our knowne temper and opinion) it might seem our possessions (which are not very meane in this Island) would secure us, for we never did set up or designe to carry on a partye or advance a faction to turmoyle the Government, but rather to reconcile differences, and to unite unto one publique interest; nor doe wee set upp for or pretend to a nice conduct, or an overwise practicall Politye, for we confesse our heads are not very strong and cleare. Yet we say our hearts are sound when you advise us to acknowledge errors that we conceive that we have never been guiltye of, and to amend irregularityes that we have never made, wee must pray yr. Honour's pardon, if wee cannot obey. Now whenever your Honour shall think itt necessary to give us the demonstration you threaten us with, wee doubt not but in our appeale to H.M. and in our remonstrance to the People, to justifye our loyaltye to her and our fidelity to and care of them, against the cavills and impeachments of any gainsayer.

After attending on the President and Council and delivering the above replication, the House adjourned for five weeks. [*C.O.* 31, 7. *pp.* 39–54.]

April 5.
Boston.

548. Minutes of Council of the Massachusetts Bay. Several of the mariners of the sloop *Flying Horse*, Capt. Samuel Chadwell, Commander, were examined upon the insult made by him upon the house of Paul Munier, at Naskeag, and wounding of him, of which wound, it is said, he is dead, and other enormities by him committed in those parts, and were dismissed, with charge to return to the sloop. Advised, that it forthwith be insinuated to the Indians, that what Chadwell has acted therein is very surprizing, and a perfect breach of his instructions, and highly resented; that strict enquiry and examination has been made

1703.

thereinto; that Chadwell is deprived of his Commission, his sword broken, and himself committed close prisoner at the Castle; that the goods by them plundered be forthwith restored, and the Indians be directed to procure what evidence they can of the injuries done by Chadwell, against H. E. sees them, when he will have consideration thereof, and direct a further proceeding. [*C.O.* 5, 789. *pp.* 495, 496.]

April 5. **549.** Minutes of Council of Virginia. Ordered that Major William Buckner do receive and secure the stores sent in for H.M.S. *Southampton*. (*See April* 3).

April 6. Commission from H.R.H. the Lord High Admiral to H.E. to be Vice-Admiral of Virginia, was opened, and H.E. took the oaths appointed and subscribed the Test. [*C.O.* 5, 1412. *pp.* 56, 57.]

April 5. **550.** Minutes of Council in Assembly of Virginia. Message from H.E. sent down, recommending the Burgesses, if they now go upon the Revisal of the Laws, to appoint a Committee to join with a Committee of the Council to consider of the best methods for carrying on the business of the Assembly and General Court with the greatest ease and convenience. The Assembly agreed. Joint-Committee appointed accordingly.

April 6. H.E., having summoned the Assembly, addressed them:—I pray God Almighty direct us in this great affair of Revising the Laws. I'm heartily glad that you have begun to read some of the Bills, and I do most cordially and earnestly recommend to you to go through with them, but withal that you take care that all his late Majesty's (of glorious memory) his Instructions, which I laid before your House, as likewise the Orders of the Council of Trade and Plantations, with several propositions from myself and Council etc. be now effectually provided for by the said Laws, as likewise that such a Body of the Laws as the Council of Trade and Plantations by their letter of Nov. 4, require, be provided to be sent to their Lordships. I cannot but with the same sincerity and earnestness recommend to you that several of the parishes be better regulated both in respect of the number of tithables and of the inconveniencie of their being divided by rivers and unfordable creeks of great length, and the same of some Counties, particularly in this Neck; for I hope in God we shall all agree in making parishes and counties as convenient and easie and with as little trouble and charge to the inhabitants as possible. One principal way of accomplishing it I suppose will be by making them square, for at present in some counties the people are forced to go 20 or 30 miles to muster and Court, whereas they need not go above half so far. If you agree upon dividing this Neck into squares (wch I hope you will), you may in one thing show your loyalty and respect to H.M. by calling the county in which this place is after her Royal name. I propose that where 'tis possible, no county be less than 800 tithables and no parish than 400. I herewith give Mr. Speaker the copy of a letter from the Council of Trade and Plantations to Gov. Blakiston concerning the Act for Religious worship there.

1703.
April 7.

Report upon the Reply of the Council to the Burgesses [April 2] amended, agreed upon. Message accordingly sent down :—The Council cannot but be concerned to observe that all their endeavours to come to a good understanding with your House by the usual way of conferences on this subject prove so ineffectual especially when after the most mature deliberation concerning the nature of that first resolve, they cannot yet be sensible that it was proper for them to interpose in any other manner, being well satisfied that a resolve of the House concerning the denial of a supply is not in the nature of other Bills sent up to the Council for their concurrence or disagreement, nor within the reason of any of the cases mentioned in your message, but a matter of that nature which if once overthrown in your house is no otherwise to be retrieved by the Council then by the usual method of Conferences. Had the House of Burgesses granted the money as they have denied it, the Council confesses it would have been proper to have insisted on their concurrence to such a grant, but to desire their concurrence or disagreement to a denial of a money grant, they judge to be altogether unusual and unpresidential. And therefore being unwilling to step out of their own Province after the house had so peremptorily tied up their hands by your positive denials, they have hitherto insisted on a Conference, at which by considering the reasons of the ability or inability of the country, they might have come to a mutual good understanding and so have proceeded to join with you in some common method to satisfy H.M. in this matter, but upon your repeated denials to meet them in the way of conferences, they are now at a stand how to proceed any further.

The House attending presented an Address to H.E. :—Having taken into serious consideration the several Speeches to us this Session, and having made some progress therein, we apprehended ourselves liable to many difficulties, which will be likely to hinder our proceeding with that chearfulness and expedition that otherwise we might do. To omit many other weighty consideration[s], we are just now proceeding upon the Revisal of the Laws, and in prosecution thereof shall often have occasion of a Address to and Conference with the Council, wch. we conceive cannot so conveniently be had as otherwise might be, because their Honours will be necessarily diverted therefrom by their attending the General Court, and consequently the delay that must ensue thereupon will be very chargeable and burdensome to the country. There being but few houses in town, we are already some of us obliged to have lodgings at a great distance from buisness, and the entertainment we find already is but very ordinary, so that when the town shall be crowded with people whose occasions oblige them to attend the General Court, it will be with a great difficulty and uneasiness (if not altogether impossible) that we shall be able to procure a necessary subsistence for our money. The late unexpected arrival of several ships from England will prove very prejudicial to many of our personal interests, if we be obliged to attend the Assembly without any regard had to our private concerns. And since at present we are

1703.

not apprised of any necessity of our continuing together at this time, *pray for leave* to adjourn till after the General Court.

H.E. promised an answer to-morrow. [*C.O.* 5, 1412. *pp.* 482–488.]

April 5. **551.** Journal of House of Burgesses of Virginia. A Bill for the effectual suppression of vice and restraint and punishment of blasphemous, wicked and dissolute persons, read the first time, and committed.

Bill concerning marriages read the first time and committed.

Bill for establishing the General Court and for regulating and settling the proceedings therein, read the first time and committed.

Bill for the better securing the liberty of the subject read the first time and committed.

Bill for establishing the County Courts, for regulating and settling the proceedings therein and directing the manner of granting probates of wills and administration of intestates' estates, read the first time and committed.

And see preceding abstract under date.

April 6. Mr. William Robinson's proposition for dividing the parish of Sittingburn in Richmond and Essex Counties was referred to the Committee on the Bill concerning the Church Clergy.

And see preceding abstract under date.

April 7. The Committee appointed to join with the Council to consider of the best methods of carrying on the business of the Assembly and General Court with the greatest ease and conveniency, reported that they had moved to the Council, as instructed by the Burgesses, that this House may have leave to adjourn till such convenient time as they shall think fit after the General Court, and that the Council had replied, that they had no instruction relating to that matter, nor do they believe it ever was thought of by the Council, that it lies purely in the power of the Governor and that therefore they cannot agree to the said proposition. Resolved, that application be made to H.E. for leave for the House to adjourn till a convenient time after the General Court.

And see preceding abstract under date.

Resolved, that it is absolutely necessary to make a Representation to H.M. of the inability of this country to comply with H.M. Commands in contributing the 900*l.* required for New York. [*C.O.* 5, 1413. *pp.* 35–43.]

April 6.
Whitehall. **552.** Earl of Nottingham to the Council of Trade and Plantations. Having sent to the Council of H.R.H. the Lord High Admiral, that part of your representation about Newfoundland which related to the seamen's assisting on the works ashore and a Boom to be sent for the harbour of St. Johns, I have received from them a letter in answer thereunto, containing their opinion as to both those particulars, which I have laid before the Queen, who commanded me thereupon to send you an extract of the said letter, which is accordingly here inclosed, that you may further consider of this matter and report your opinion in it as soon as

may be, and then H.M. will give such other directions as shall be necessary. *Signed,* Nottingham. *Holograph.* 1 *p.* *Enclosed,* *Extract of Letter.* In answer whereto we are to acquaint your Lordship that 'tis absolutely necessary for the service that the Men of Warr should cruise off the coast for the security of the Fishery and themselves untill the trade shall be ready to come away, so that their men can't be spared from them. And as for masts to make the boom, they cannot be carryed from hence in the Men of Warr that are going to Newfoundland and therefore it is necessary the officers at St. Johns should be ordered to cutt masts in the winter time proper for this service, and to send them down thither on the snow. ¾ *p.* *The whole endorsed,* Recd. Read April 7. 1703. [*C.O.* 194, 2. *Nos.* 111, 111. i.; *and* 195, 3. *p.* 209.]

April 6. **553.** Journal of House of Representatives of New York. Adjourned till to-morrow.

April 7. Several members being wanting, the House adjourned.

April 8. The House adjourned. [*C.O.* 5, 1185. *pp.* 23, 24.]

April 7. Whitehall. **554.** Council of Trade and Plantations to Governor Lord Cornbury. We have not received any letter from your Lordship since ours of the 22d February last, wherein we acknowledged the receipt of those which were then come to our hands. We laid before H.M. some time since a Representation upon the Act for 2,000 pounds to be applyed to your Lordship's use, that H.M. might please to give leave for your Lordship to receive the same, which has accordingly been granted; and we doubt not but your Agent will have already transmitted to you the necessary Orders relating thereunto, whereof we send you also here inclosed a copy. We have considered the remaining Acts past at the same Assembly and are preparing a Report upon them to be laid before H.M. We have told you in a former letter that we had prepared a Report with our opinion for disannulling the *Act declaring the town of East Chester to be a distinct parish etc.* which having accordingly been done, we likewise send you a copy of H.M. Order in Council for that effect. We have now presented to H.M. a Report upon the general state of the Province of New Yorke, according to the letters and papers received from your Lordship; whereof we send you also a copy, that you may see what we have offered to H.M. upon each particular: and have added the Minutes of what has been ordered thereupon, the effect whereof will be diligently sollicited. As to the fortifications proposed by your Lordship, you will use your endeavours with the Assembly that they make provision in the best manner for the defence of the Province. We have sent your proposal relating to an enterprize against Canada to the Earle of Nottingham, that it may be considered of. In relation to the Indians, and the advantage that might accrue by having two Protestant Ministers amongst them, we hope your Lordship's care and our representation will be effectual. As to what concerns Mr. Weaver's accounts, we understand that they are returned to your Lordship for your observations. And we

1703.

expect that the Accounts of the Revenue be for the future transmitted quarterly. Having already transmitted the Lady Bellomont's accounts to your Lordship we have also given to your Agent the copies of whatever has been offered to us by Mr. Champante relating to the Accounts of Capt. Nanfan, that he may transmit the same. All which Accounts we judge most proper for the examination of your Lordship in Council, in order to your returning a Report upon them and of the particular Vouchers. And we do from former experience think ourselves obliged to advise your Lordship not to charge yourself with the receipt of any publick money or of the pay of the soldiers otherwise than of your own Company; but to let all such receipts and payments pass through the hands of the proper Officers, who are responsible for the same.

Having acquainted Mr. Champante with your Lordship's complaint of the cloathing last sent over by him and received his answer, we have also given a copy thereof to Mr. Thrale for your Lordship's information. We have lately wrote a particular letter to your Lordship, inclosing Mr. Attorney General's opinion relating to Actions brought by Coll. Bayard and Alderman Hutchins against the Judges or Grand Jury by whom they were tryed, and we here inclosed send you a copy thereof, as likewise of another opinion of Mr. Attorney General's relating to Graves and Prideaux. We observe in one of your Lordship's letters the difficulty you found to give us the lists of the inhabitants of the Province as required by your instructions, by reason of the ignorance and incapacity of the Sheriffs of some counties, which we doubt not therefore but you will remedy, so that we may expect those lists in convenient time. As to your complaint against the Captains of H.M. ships of war, for their unwillingness to obey the directions of the Governours of Plantations where they come, and the instance you gave of the ill execution of your orders by the seamen sent to seize Mr. Atwood and Mr. Weaver; we do not conceive there ought to be any alteration in the method of such orders. Yours must of course be directed to the Captain or Commander in Cheif, and his to those imployed under him: after which, if any miscarryage happen, those that are the occasion of it must bear the blame, according to the importance of the matter. However upon any information we shall receive from you of the disobedience of Captains of ships, we shall be ready to contribute what lies in us towards a redress. Lastly, as we do expect from your Lordship a constant account by every conveyance of all matters and transactions within your Government, so we do recommend to your Lordship, that your letters be delivered to persons who will be prepared to sink them with weights, in case they happen to fall into an apparent danger of being taken by the enemy. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 461–466.]

April 8. Whitehall. **555.** Council of Trade and Plantations to Gov. Sir B. Granville. It having been signifyed to us by some friends of Mr. James Cowse,

1703.

that he has met with great delays and obstructions in a suit which he is prosecuting in Barbados against Mr. Sharp; and they thereupon desiring our recommendation to you that speedy and impartial justice may be done him; we do accordingly desire your care that speedy justice be done him in the course of his proceedings, and that he may enjoy the benefit of the law, as other H.M. subjects ought to doe. *Signed*, Jno. Pollexfen, Mat. Prior, Robt. Cecill, Ph. Meadows, Wm. Blathwayt. [*C.O.* 29, 8. *p.* 296.]

April 8. Whitehall. **556.** Journal of Council of Trade and Plantations. Mr. Merrit and Mr. Roop attending [*see* April 7], and having offered their thoughts relating to the fitting of a boom wanted for the harbour of St. John's in Newfoundland, they were desired to advise with any other persons they judged fit to give information in that matter, and thereupon to lay before the Board their opinion in writing to-morrow morning in answer to the following queries (1) whether and where trees may be had in Newfoundland proper for making a boom for floating a chaine cross that Harbour? (2) How the same must be done, and how the trees may be transplanted thither? (3) What may be the charge necessary for this service? (4) What time of year is proper for making the said Boom?

Letter to Governor Sir B. Granville signed and sent to Mr. Attorney General, who had desired the same, to be transmitted to him.

Act of New York, Nov. last, and especially that *for repealing several Acts*, etc., considered.

April 9. Representation upon the wast lands in New Hampshire signed.

Memorial from Mr. Thurston read.

Memorial from Mr. John Roop read.

Letter to the Earl of Nottingham, relating to Newfoundland, signed.

Memorial from Mr. Rowland Tryon read.

Memorial from Isaac Taylor read. Copy ordered to be sent to Mr. Thrale for his answer. [*C.O.* 391, 16. *pp.* 61–64; *and* 391, 97. *pp.* 277–282.]

April 8. **557.** Minutes of Council of Virginia. H.E. laid before the Council an Address presented to him yesterday by the House of Burgesses wherein they represent several difficulties which will be likely to hinder their proceedings especially if the Assembly sit during the General Court etc. [*See Journal of Council in Assembly April* 7.] H.E. thereupon asked the advice of the Council whether there be an absolute necessity for continuing this present Session, or if a recess be necessary. The Council were of opinion that the House of Burgesses having already made some progress in reading the revised laws, the height of the business of the Assembly will happen in time of next General Court, and therefore (since there's no absolute necessity for continuing this session) they think it will be for H.M. and the Country's service, and the ease of the members that at this time a Recess be granted.

But forasmuch as at the beginning of a Session, the Council have little business for several days, they conceive that the General Court time will be very proper for the meeting of Assemblys for the future. In answer to H.E., the Council advised that the first day of next October General Court will be soon enough for the Assembly's meeting, since they do not apprehend there is any absolute necessity for it sooner. Then H.E. desired the advice of the Council whether, if any accident or other reasons should happen which may obstruct the sitting of the Assembly next Fall, it may not be put off till the spring without any detriment to the Queen's or Country's service. Whereupon the Council declare that they are not at present sensible of any inconvenience or detriment likely to happen to H.M. or this Colony's service by the Assembly being further delayed, if any extraordinary emergency should require the same.

H.E. having this day received an Address from the House of Burgesses in answer to his speeches this Session, laid the same before the Council, and asked their advice whether the answer of the Burgesses relating to the Quota for New York is a full, absolute and sufficient answer to H.M. Royal letter. The Council desired time till to-morrow to consider.

April 9. The Council delivered their reply :—We considered the answer to be very plain and full : but for the sufficiencie of it, not having been privy to their debates, nor acquainted with the grounds and reasons of their proceedings, think it improper to give our opinion for or against their actions, especially out of Assembly, having already done our duty as a part of that Body to the utmost of our power for H.M. service in that affair, and not knowing of any further methods we can take to induce them to any other answer.

Then H.E. asked the Council if they knew of anything further proper to be offered by him to the House of Burgesses in relation to H.M. Royal commands for a quota of men and money to New York. The Council declared that H.E. hath already done all that is proper in that affair, and did not think it would be for H.M. service to urge it any further at this time. H.E. desired to know the Council's opinion as to sending the quota of men to New York in case Lord Cornbury should send for them upon any invasion made by an enemy on that province. The Council are of opinion that it will not consist with H.M. interest and the peace and safety of this colony to send the said Quota, for the following reasons :—(1) That every man sent out of this Government will be at least £20 sterling loss to H.M. in her customs of Tobacco in England, though absent but three months in a year. (2) That considering the circumstances of this Country, the Quota of men desired can't be had or rais'd as volunteers, the Generality being Freeholders and Masters of Familys, so that if the said Quota be executed for New York, it must be by a detachment out of the Militia consisting of the said Freeholders and housekeepers. (3) That the said detachment will be attended by other consequences very prejudicial, particularly that as soon as it is understood such a thing is intended, most of the

1703.

single men and poorer sort of house-keepers will remove themselves into the neighbouring Colony of Carolina, the place to which our runaway servants and desperate debtors do now daily resort as being most accessible both by land and water, and where no quota is required, or wheresoever else they can escape the said detachment, which in all probability will lessen the number in this Colony more than what will actually be made use of in the said service. (4) That if the Quota of men be sent, money must be found for their transportation, subsistence and pay, and we know of no money to be employed for such uses. (5) That considering the large open frontiers this country hath to defend, both by sea and land, and the scarcity of free-men, who only are to be trusted on such occasions, and the remoteness of our habitations one from another, together with the fear of an insurrection from our servants and slaves, who we doubt will be ready in case of an invasion to join the enemy, the Council are of opinion that the Country rather wants men and arms for its own defence, than hath to spare for the assistance of others. We are likewise in the way of all fleets coming through the Gulph from the West Indies, and in regard of our defenceless condition and the vast damage H.M. would sustain by our disturbance, not only by the destruction of one year's crop, but also by ruining our Plantations, and consequently the Trade and custom of Tobacco for divers years to come, we have reason to fear it may be our lott to be attacked as soon, if not before any of our neighbours.

Whereas there are several Orders of Council and Journals of Assembly in the time of Mr. Dionisius Wright, late Clerk of the Council, not yet entered upon the Council Books, ordered that Mr. Wm. Robertson, present Clerk, enter the said Journals of Council and Assembly in the respective Books appointed for that purpose.

Upon the letter of the Council of Trade and Plantations, Nov. 4, ordered that Mr. Secretary prepare a transcript of all Laws now in force here to be sent to their Lordships.

April 10. H.E. asked the Council if they knew of any[*thing*] further necessary to be offerred to the General Assembly, and they declaring they knew of nothing at present, H.E. signified his intention of proroguing the Assembly till Oct. 15.

H.E. acquainting the Council that he thought it was necessary to signify Governor Lord Cornbury the proceedings of this Assembly in relation to the Quota, to the end he may be satisfied no men or money can be expected from hence, ordered that a transcript of the Journal of Council in Assembly relating thereto be prepared for that purpose.

Whereas H.E. and Council are informed by several Masters of ships lately arrived here from Bristol, that a convoy is ordered for this country, and may be speedily expected, being to sail from hence, July 1, and at furthest July 10, Ordered that the embargo laid March 22 be continued till July 1, and in case no convoy arrive before that time, that the embargo be continued until further order.

1703.

It being represented by the Naval Officer of the Eastern Shore District that he cannot come over the Bay twice in the year to make up his accounts with the Auditor without a greater charge than the perquisites of his office can bear, the Trade being so inconsiderable in that district, ordered that he be only obliged to attend Mr. Auditor with his accounts at October General Court, and make oath for the half year's accounts before the Justices of Northampton County Court. [*C.O.* 5, 1412. *pp.* 58–63.]

April 8. **558.** Minutes of Council in Assembly of Virginia. The House attending, addressed H.E. *Enumerate their proceedings upon matters recommended to them by H.E.*

Message from H.E. sent down:—The ordinances past last session for the defence of the country being only in force till the then next session, I recommend it to your consideration if it is necessary at this time to renew it. I think it is the duty of H.M. good subjects to express a sensible joy for the great and glorious successes of H.M. arms, and recommend to you to prepare a suitable Address to H.M. on this great occasion.

April 9. Report of the Committee for inspecting the Capitol was agreed to with an amendment (*details as to furnishing*).

Ordered that the Records remain where they now are till the place appropriated for them be finished. The Committee recommended John Redmond for goalkeeper of the Prison and Caretaker of the Capitol at 30*l.* per annum. The Committee conceiving that the Committee appointed to revise the Laws and also inspect the building of the Capitol have finished the said revisal, it is proposed that fitting persons be nominated and appointed to inspect the said building till they be finished, and to receive the accounts etc. This Report, agreed to by the Council, was sent down.

Petition of Cople Parish, Westmoreland County, referred to the Burgesses.

Message sent down from H.E.:—Having formerly recommended to you that part of the letter of the Council of Trade and Plantations of Nov. 4, relating to the encouraging the natives and College, and also concerning my going to New York, and the Collections of the Laws now in force, and not finding by your Address that you have made any Resolves therein, I do therefore again recommend those matters to your consideration.

H.E. laid before the Council H.M. letter relating to the Quota, and acquainted them that since the House of Burgesses had now given their answer on the said letter, he recommended to the Council as the Upper House of Assembly to consider of H.M. commands and give him their answer thereon. Whereupon the Council took the same immediately into consideration, and resolved that an humble Address be prepared to H.M. in answer.

Resolve of the Burgesses in reply to H.E. [April 8] sent up; that the Ordinance made the last Session of Assembly for the defence of the country in time of danger is sufficient, until there shall be a Session of Assembly.

1703.

Resolves of the Burgesses in reply to H.E. message of this day sent up :—That it is the opinion of this house not to concern themselves with the College Accounts ; that when the Revisal is proceeded in, it will be a convenient time to take into consideration the setling suitable salaries and fees to the respective officers for the encouragement of the natives of this country ; that this House have nothing to recommend to H.E. upon his going to New York ; that it is the opinion of this House that the Council of Trade and Plantations do not mean that this House shall provide a copy of the Laws in force to be sent to them, but expect it from H.E., and that he may do it without the House being concerned therein.

Resolve of the House for paying the Committee for the Revisal of the Laws sent up, was agreed to.

The Council agreed to the above resolve of the Burgesses as to the defence of the Country.

Joint Committee appointed for carrying on the building of the Capitol.

April 10. Message sent down that H.E. signifying to the Council his intentions of proroguing this Assembly, the Council conceive that upon such prorogation all Committees appointed by either House are then dissolved, and consequently that appointed yesterday for carrying on the building of the Capitol and Prison must also fall. The Council therefore propose that the persons nominated by them and your House or any two of them be(ing) empowered to execute that trust, without mentioning the word Committee. The House agreed.

The Council consented to the resolves of the Burgesses on the petition of Cople Parish.

The Treasurer's accounts, passed by the Burgesses, were sent up and passed by H.E. and Council.

Report of the Committee to inspect the Capitol sent up passed, was agreed to by H.E. and Council.

Address to H.M. relating to the Quota was amended and signed by all the Council :—We the Council of your Majesty's Colony and Dominion of Virginia, after due perusal and serious consideration of your Majesty's gracious letter concerning a voluntary contribution of a quota for New York, being extreamly concerned that our answer to the like demand made by your Majesty's Royal Brother, in our petition of Oct. 1, 1701, did not give your Majesty the expected satisfaction, but that our management of that affair was disallowed by the Lords of the Council of Trade and Plantations, humbly beg leave in the most dutiful manner to lay before your Majesty our answer to those particulars wherein by the advice of the said Lords we find your Majesty disapproves our conduct in that petition, together with an account of our late endeavours to comply with your Majesty's commands. Whereas in the first place we are charged as having made our application to your Majesty's Royal Brother in an irregular manner by an Agent of our own without the consent of your Governor, we humbly offer to your Majesty's consideration that as we were altogether free from any ill-design in this

1703.

method, so we never heard before that any such rule had been sett limiting the Addresses of subjects in the Plantations to their Sovereign to be made only by the consent and through the hands of their Governors, and in this particular case our Governor had signified so much of his disapprobation of the proceedings of the General Assembly on account of the said Address, that we judged it would have been improper to have desired or expected his mediation or concurrence therein, but now that we know your Majesty's pleasure, we shall take care in this and all other applications to your Majesty to observe the said rule as to presenting our petitions. In the next place, it is observed of the said petition which was presented to your Majesty in the name of the Council and Burgesses of Virginia, that it was signed by no more than four of the members of the Council, but it often happens by reason of sickness and the remote and distant habitations of many of the Members, the badness of weather and the unpassableness of great rivers and bays at certain seasons, that we are obliged to act with very small numbers, and particularly at that time, there being but a thin Council before the late nomination, and these reduced to many inconveniences by a tedious absence from home during a very long Session of Assembly, several of them had repaired to their homes to look after their business, which suffered exceedingly by so long absence, by which means it came to pass that there were no more of the Council left but those few who subscribed the said petition, the rest who went away before it was finished having been consenting to the several resolves that had been made about it, so that it was really an unanimous consent of the Council. The reasons for excusing ourselves from the contribution are excepted against as insufficient. To which all we have to offer is that though we were then and still are of the opinion that the reasons laid down in the said petition were very sufficient to justify the proceedings of that Assembly with relation to a Contribution of men and money for New York, yet so great is the deference we have for your Majesty's recommendation of that affair to the present General Assembly, that though the said reasons seem to us to be still in full force, we have taken no notice of them but used our best endeavours consistent with the methods of Assembly to further the intent of your Majesty's gracious letter with the House of Burgesses, and take some good method with the said House for your Majesty's satisfaction. And therefore we doubt not your Majesty's candid construction of our proceedings, wch. though ineffectual to overcome the general dissatisfactions of the Country and their Representatives in this affair of New York, yet we think it our duty to assure your Majesty that you reign entirely in the hearts of your Virginian subjects, that there are none in all your Dominions better affected to your Majesty's person and Government than they are. And upon this occasion we humbly take leave to congratulate the wonderful success of your Majesty's forces by sea and land in this last summer's expedition, and to pray to Almighty God that the remaining part of your auspicious reign may answer so glorious a beginning,

1703.

to your Majesty's immortal honour and the happiness of all your subjects and allies.

An Address was presented to H.E. praying his favour in transmitting the above Address. H.E. replied to the Council that though he could not approve of their Address to H.M. in that affair, yet because it was H.M. command, he would take care to transmit it to H.M.

The Burgesses attending presented a similar Address to H.E., praying him to transmit a similar Address to H.M. "We are well assured a kind Representation from your Excellency on behalf of this Colony will be of extraordinary service, and we should not be just to your Excellency's meritt, if we did in the least doubt your Excellency's zeal for its prosperity, having had so many instances since you came to the Government how much you study to discharge your trust with loyalty and faithfulness to H.M. and respect and care for her good subjects here." He replied in like terms, adding: "As to the part relating to New York, I hope you will not expect that I should say much to mitigate it to H.M. You have said as much as can well be on that subject. I hear it has been represented in your House as if I was disaffected to this Country. Gent., I wish all that ever I have writ into England were now lying here. And when ever I cease to discharge my duty to God, to H.M. and to do all the good I can to this country, may I cease to be alive. I should be ungrateful if I did not return you my hearty thanks for your several respects to me this Assembly concerning what was done in your House, particularly for your kind and obliging Address. I find it for H.M. service to prorogue you to Oct. 15." [*C.O.* 5, 1412. *pp.* 488–503.]

April 8. **559.** Journal of House of Burgesses of Virginia. *See preceding abstract under date. The Assembly's Address upon their proceedings regarding the Quota there referred to* concludes:—"It is a great affliction to us that the poverty and necessity of the country makes us incapable of performing what H.M. hath been pleased to require of us; and since our not complying doth not proceed from any disloyalty or undutifulness to H.M. or disrespect to your Excellency, but purely by reason of the disability of the country, and the true sense we have of the general dissatisfaction of the people in that affair, therefore we humbly hope it will not be insisted on."

Bill to prevent the inhabitants of this country from entertaining or harbouring any Indians or imploying them to hunt on any land belonging to the English in the Counties of Henrico and Charles City, was brought in and ordered to lie upon the table.

April 9. Above Bill read the first time.

And see preceding abstract under date.

Several payments ordered to members of the Committee of the Revisal of the Laws.

Address of the Burgesses to the Queen was agreed to:—As the great and wonderful successes of the arms of your Majesty and your

1703.

allies against the enemies of your Majesty, your people and the true and holy Protestant Religion, have rendered the beginning of your Majesty's reign prosperous and glorious to your royal self and your people, so must the hearts of all your Majesty's faithful subjects be full charged with gratitude to the Divine Providence for those signal blessings vouchsafed to your Majesty and for the happy influences of your most gracious reign, therefore we your Majesty's most dutiful and loyal subjects, the Burgesses in the General Assembly of your Colony and Dominion of Virginia convened, do most humbly presume to congratulate your Majesty upon this occasion, and to represent to your Majestie our most dutiful and fervent zeale for the service of your sacred person and Government. We are very sensible of the happiness that we and all your Majesties subjects enjoy under your Royal protection, and we hope that none of your good subjects will ever fail of making suteable returns of their duty and obedience. And for ourselves we do most humbly assure your Majesty, that we will upon all ocasions signalize our fidelity and loyalty to your Majestie as farr as our poor circumstances will enable us to do it. But since the benign influences of mercy and compassion do farr excel the glorious lustre of the greatest military atchievements, and since your Majesty is not only our powerful defender against foreign enemies, but our merciful deliverer from all other misfortunes, therefore we humbly hope that your Majesty will be graciously pleased to pardon us, when by reason of our poverty and necessity we shall not be capable of performing such actions as might best testify the sincere and zealous loyalty of our hearts. H.E. Francis Nicholson, Esq., your Majesty's Lieut.-Governor and General, having laid before us your Majesty's Royal Commands requiring a contribution of money and a quota of men (or money in lieu thereof) towards the defence of your Province of New York; In answer thereto, having first made our most humble acknowledgements for your Majesty's grace and goodness to us in proceeding with us in soe parliamentary a way, whereby we have an opportunity of laying the true state of our case before your Majesty, we presume to represent to your Majesty that his late Majesty of glorious memory in the 12th year of his Reign by his Royal Letters did signify his pleasure that we should make a like contribution of men and money for the assistance of New York. Upon consideration whereof in a General Assembly held in the thirteenth year of his Reign, we did humbly represent to H.M. the true state of this Dominion and of the Province of New York, whereby it appeared that the great charges the country was then burthened with, made it impossible for us to comply with H.M. commands, and that by reason of the many inconveniences that would necessarily ensue, it was not for the interest or service of H.M. that we should furnish the men and money required of us; all which proceedings are hereunto annexed, and since the same reasons continue that are therein mentioned, we humbly pray your Majesty's gracious consideration thereof. And moreover we humbly presume to add, that now your Majesty is actually

1703.

engaged in a war with France and Spain, we are more exposed to danger then before, for when their ships sail through the Gulph of Florida towards Europe, they keep a great way along our coasts, and may easily put into our harbours, and insult our poor open defenceless country at pleasure, and we shall not be able to defend ourselves. It is a great affliction to us that it is not in our power to performe what your Majestie is pleased to require of us. But since our unhappy circumstances do make us incapable of giving any greater testimonys of our zeale for your Mties. service than by this Address, therefore we humbly pray your Majesties Acception and consideration of this true representation of our case, and that you will be graciously pleased to supersede your commands for any contribution of men or money to New York from this poor country, which is in more want of assistance ourselves than capable to give it to others. And as in duty bound, we shall ever pray that your Majesty's reign over us may be long and prosperous as the beginning of it hath been successful and glorious.

This Address was signed by every Member of the Assembly.

April 10. *See preceding abstract under date.*

Upon the petition of the parish of Copeley in the County of Westmorland, resolved that a Church ought to be maintained in the same place where it hath stood for 40 years, and that the proceedings of the Vestry for building a Church on the other side of the River Nomoine, where no Church was ever before built, are illegal and void.

Upon consideration of Mr. Treasurer's accounts, ordered that it remain an observation on the Journal that Col. Lee's account, taken notice of last session as not sworn to, is not yet done, and that Mr. Treasurer has not accounted for anything in Lee's district since the last Assembly.

Ordered that the several allowances to Members, Clerks *etc.* be paid out of the Imposition funds from liquors, servants and slaves. The Council consented. [*C.O.* 5, 1413. *pp.* 43–60.]

April 9. **560.** Mr. Thurston to Mr. Popple. Gives an account of his solicitations in the business of the Boom for Newfoundland. *Signed*, J. Thurston. *Endorsed*, Recd. Read April 9, 1703. 1 *p.* [*C.O.* 194, 2. *No.* 112.]

[April 9.] **561.** Rowland Tryon, of London, Merchant, to the Council of Trade and Plantations. *Recommending that* Col. Walter Hamilton, of St. Christophers, who served in the expeditions against the French Caribbee Islands during the late war, and hath an estate in Nevis and St. Kitts, may be appointed Lieutenant-Governor of St. Christophers. *Endorsed*, Recd. Read April 9, 1703. 1 *p.* [*C.O.* 152, 5. *No.* 23; *and* 153, 8. *pp.* 157, 158.]

April 9.
Whitehall. **562.** Council of Trade and Plantations to the Earl of Nottingham. We have received your Lordship's letter of the 6th inst., relating to Newfoundland, and do think it for H.M. service that while any ships of war appointed for the Newfoundland

convoy do remain in the harbour of St. John's, which they have often done, the seamen be assisting on those fortifications. As to the Boom, we continue to be of opinion that the timber for the same may be most expeditiously and with least expence prepared here, and sent from hence either by the men of war or merchant ships going to Newfoundland, there being wanting there artificers, money and other necessaries for that service. But in case it shal not be thought fit that this work be performed from hence, we herewith send your Lordship the opinion of persons conversant in Newfoundland how the same may be best performed in that country, and an estimate of what the charge thereof may amount to, which is to be supplyed from hence. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. [*Autographs*.] 1 *p.* *Annexed*,

562. i. Opinion of some persons conversant in Newfoundland relating to a boom for St. John's. There are trees fit for the boom at Blackhead Bay, southward of St. Johns, and at several other places northward along the coast, *etc., etc.* *Signed*, John Roope. *Endorsed*, Recd. Read April 9, 1703. 1 *p.* [*C.O.* 194, 2. *No.* 113 ; *and* 194, 3. *No.* 4 ; *and* 195, 3. *pp.* 210–212.]

April 9. **563.** Isaac Taylor to the Council of Trade and Plantations. *Complains on* behalf of Lady Bellomont of the delay on the part of Capt. Mathews and Mr. Mercier in adjusting her accounts with Mr. Champante and himself. *Signed*, Isa. Taylor. *Endorsed*, Recd. Read April 9, 1703. 1 p. [*C.O.* 5, 1048. *No.* 50 ; *and* 5, 1119. *pp.* 467, 468.]

April 9.
Whitehall. **564.** Council of Trade and Plantations to the Queen. In obedience to yr. Majesty's Order in Councill of Dec. 17 requiring us to examine and report our opinion upon the Petition of Samuell Allen, Esq., praying that he may be permitted to enjoy the waste and unimproved lands in the Province of New Hampshire in America, and that he may be quieted in the possession thereof, we humbly represent that upon consulting yr. M's. Attorney Generall in relation to Mr. Allen's title to those lands, we have received his opinion; that the said Allen hath a good title to the waste lands in the said Province ; that he may enter into and take possession of the same ; that if he be disturbed in the possession thereof, it may be proper for him to assert his right by legal proceedings in the Courts of Justice within that Province ; and that if upon the tryals which may thereupon be had, the said Allen do insist that the matters of fact be specially found by the Juries that shall be there empannelled, it may be reasonable, that the said Juries be directed to find specially the matters of fact relating to the titles of the said Allen and of others claiming the same lands. Whereupon we humbly offer that considering the inhabitants of the said Province, whereof both Judges and Jurys consist, are generally the parties against whom the said Allen is to contend, and that the said Allen, and those from whom he derives his claim, have for a long tract of time presented

1703.

their right without effect, and that those families have sustained great damage by the delays they have met with in the determination of justice, yr. Majesty would be pleased to give express direction to Collonel Dudley, yr. Majesty's Governour in Cheif of the said Province, that in case the said Allen shall be opposed by the inhabitants, and hindred from entring quietly into possession of the said waste lands, or that he be disturbed in the possession thereof, whereupon any tryal or tryals be brought before your Majesty's Courts there for settling the title to the said waste lands, and that on such tryal or tryals, the said Allen do insist that the matters of fact be specially found by the Juries, he the said Governour in Cheif do all that in him lyes that the matters of fact shall be specially found accordingly; and further that exemplifications of the entries of all proceedings and other papers relating to the settling of the title to the said lands, be delivered under the seale of the Province to the parties, desiring the same; to the end that upon an appeal or appeals from the judgements thereupon given to your Majesty in Councill, your Majesty may be fully informed of those matters, in order to a final determination thereof. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 910. *pp.* 450–453.]

April 10. St. James's. **565.** Order of Queen in Council. *Approving preceding Representation*, and ordering the Council of Trade and Plantations to prepare a letter to the Governor of New Hampshire under H.M. royal sign manuall accordingly, and present the same for H.M. approbation at the Board. *Signed*, Edward Southwell. *Endorsed*, Recd. Read April 13, 1703. 2 *pp.* [*C.O.* 5, 863. *No.* 18; *and* 5, 910. *pp.* 453–457.]

April 10. St. James's. **566.** Order of Queen in Council. Approving of Representation of April 2, and directing that Governors' salaries be settled and paid as therein proposed, and that letters be sent to the Governors and Councils accordingly, to be by them communicated to the respective Assemblies, and that the Rt. Hon. the Lord High Treasurer is to give the necessary directions for settling and paying such of the said salaries as are to arise out of the $4\frac{1}{2}$ *per cent.* in Barbadoes and the Leeward Islands, and the 100*l.* *sterl.* to be added to the salary of the Lieutenant-Governor of Bermuda in such manner as is proposed. The Council of Trade and Plantations are to prepare letters to the respective Governors with such directions accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. Read April 12, 1703. $1\frac{1}{4}$ *pp.* [*C.O.* 323, 5. *No.* 11; *and* 324, 8. *pp.* 241, 242.]

[April 10.] **567.** John Roope to the Council of Trade and Plantations. Making a small correction in his paper of April 9, concerning Newfoundland. *Signed*, John Roope. 1 *p.* [*C.O.* 194, 2. *No.* 114.]

1703.
April 10.
General Post Office

568. Mr. Waterhouse to Mr. Popple. Enclosing the Act of New York for establishing a Post Office with the remarks of the Post Master General upon the same. *Signed*, Ben. Waterhouse. *Endorsed*, Recd. 12th. Read April 13, 1703. ½ *p.* *Enclosed*,

568. i. Copy of Act of New York referred to above. 12 *pp.* [*C.O.* 5, 1048. *Nos.* 52, 52.i.]

April 12.
Castle of Bermuda.

569. Mr. Larkin to the Council of Trade and Plantations. *Recapitulates letter of March* 24. On the 27 (*March*) the Commissioners of the Castle sent me word *the Justices of the Peace* were to meet again at that day, and on the 29th he told me they were to meet on the 31st. The answer I gave him then was that when I was at liberty I knew very well what I had to do. The day before the Secretary having by order of the Governor sent me a Ruff draught of a bond to know whether I liked the condition; I made some alterations which the Governor approved of, and then intimated that he did not insist upon security, he would take my own bond. I send him word I did not know of any crime I had committed, or see any reason for entering into any such bond, but rather then the service upon which I was sent should be retarded or frustrated, I was ready forthwith to execute the bond either with or without security, and when I had so done, he had nothing further to do with me: that I had business both for the Queen and myself which I should dispatch with all the expedition imaginable, and so depart these Islands. I have now given him in a Memorial, a copy of which I'le transmit to your Lordships by the next conveniency. I have letters come frequently from several parts of America from gentlemen that have heard of the severe usage I have met withal here, but the Governor will not suffer any of them to come to my hands without he shall see the contents of them, and stops my letters to your Lordships and Mr. Secretary Hedges under pretence that they are letters to others under your Lops.' cover. Your Lops. most humble and most obedient tho' afflicted servant, *Signed*, Geo. Larkin. *Endorsed*, Recd. 19th. Read July 20, 1703. *Holograph.* 1 *p.* *Annexed*,

569. i. Abstract of preceding. 1 *p.* [*C.O.* 37, 4. *Nos.* 21, 21.i.; *and* (*without abstract*) 38, 5. *pp.* 406–409.]

April 12.
Whitehall.

570. Journal of Council of Trade and Plantations. Ordered that Instructions be prepared to the Governors of Plantations according to H.M. Order in Council, March 18, relating to their salaries etc.

April 13.

Order in Council, April 3, relating to Naval Stores, read. Ordered that Mr. Wharton be directed to give notice to the undertakers to attend this Board to-morrow.

Instructions to Governors of Plantations relating to salaries further considered.

Mr. Usher presented to the Board H.M. Order in Council, April 10, relating to the wast lands in New Hampshire, which was read. Thereupon ordered that the draught of a letter be prepared for H.M. signature pursuant to the directions of the said Order.

1703.

Some notes made by the Post Master General upon the Act for encouraging a Post Office in the Province of New York, being transmitted hither in a letter from Mr. Benjamin Waterhouse, an officer in the Post Office, in answer to the letters writ to the said Post Master General, March 9 and 12, the same was laid before the Board, and referred to be considered together with the *Act for inforcing and continuing the Act for incouraging a Post Office in the Province of New York, etc.*, one of the Acts lately transmitted by Lord Cornbury among those past there Nov. 27, 1702.

Their Lordships again considered the Acts of New York (*referred to in the Minutes of April* 8), and finding it requisite to expect Lord Cornbury's answer to their letter of Jan. 26, before any final resolution be taken thereupon, they were pleased accordingly for the present to postpone the consideration thereof.

April 14. Several of the undertakers for the importation of Naval Stores from New England attending, and H.M. Order in Council, April 3, and H.R.H. report, being read; they observed that the said report has no relation to the Representation of this Board concerning that matter, nor to the draught of a Charter therein referred to, and they expected yet a further Report thereupon from the Admiralty. In the meantime, however, upon occasion of the said report, they said that there can be no more effectual means to prevent the raising of the price of Naval Stores (apprehended as it seems by the Navy Board) than the bringing in such great quantityes as they were willing to oblige themselves to do, and that upon their undertaking to import such quantityes, the condition proposed for giving H.M. the pre-emption would be wholly needless. However they added that if the Navy Board thought fit to contract with them for masts upon the same terms as they had contracted with Mr. Taylor and Mr. Wallis during 7 years last past, they would be very glad of it, and readily contract accordingly. In relation to the Representation of the Board, they complained of the strictness of the clause against transferring of shares or stockjobbing, wch. they said would be so great a discouragement to subscribers, that they could not submit to it, tho' withal they frankly owned that it might be easily evaded, because there being a liberty left them to sell to the members of the Corporation, they might admit Members and sell or transfer stock to them as they thought fit; but theire desire being to deale plainly and avoid any practice that might look like tricking, they proposed rather that instead of that clause there should be one, that no man who sells out any share of stock, shal be permitted to buy in again in 12 months time, which they said would be sufficient. And they further added that they were willing that whatsoever summs of money were actually paid in to the capital stock of the Company, should always remain there, and the state thereof alwaye lye open for any one to have recourse to; and that nothing but the profits of their trade should at any time be divided, adding also that for the better preventing all ill effects of stockjobbing, the condition of the clause for determining their Charter might be made to extend to any abuse of the liberty allowed them to transfer

1703.

shares. Upon consideration of all which their Lordships directed them to put their observations upon the forementioned report in writing, and likewise to draw up the form of a clause against stockjobbing, so as might answer the intention of this Board in that matter, and be most easy to themselves, and to lay those two papers before the Board with what speed they can, which they accordingly promised.

Letter from Mr. Negus, desiring by Order of the Earl of Carlisle to be informed to what Plantations H.M. arms are to be sent, being read, their Lordships ordered the following list to be given him, vizt., New Hampshire, Massachusets Bay, New York, Albany, New Jersey, Maryland, Virginia, Jamaica, St. Christophers, Nevis, Antego, Mountserrat, Barbadoes and Bermuda, to each, one. [*C.O.* 391, 16. *pp.* 65–73; *and* 391, 97. *pp.* 285–295.]

April 12. **571.** Journal of House of Representatives of New York. Mr. Crum, returned for the County of Orange, took the oaths and signed the test.

April 13. H.E. summoned the Assembly and addressed them:—I am glad to see so many of you now met together in pursuance to the adjournment in November last; and I do not at all doubt but that you come resolved to do whatever shall be found necessary for the advancement of the interest of the great Queen of England, my mistresse, and for the good and welfare of your country, which are both one; you did in November last grant a considerable sum to H.M. for the paying of such a number of men as was thought necessary to be sent up to Albany for the defence of the frontiers this last winter, which service has been performed, though I must observe to you that the supplys granted for that purpose have as yet come in but very slowly. Two of the Acts passed last November will require your further consideration, those for settling the Militia and appointing Commissioners to examine the accounts of the Revenue *etc.* The first contains an enacting clause which lays a penalty of 6*l.* upon any person that shall be detacht out of the Militia, and shall not appear at the time and place appointed *etc.*, to be recovered in the Courts of Pleas, which sit so seldom that the offenders conceive great hopes that their offences may be forgotten before the time comes for recovering their forfeitures, therefore I think it would be convenient that a more speedy method may be provided for recovering the penalty.

In the other Act you have appointed Gentlemen very capable of executing the trust reposed in them, but for want of a power sufficient to compel people to lay such books and papers before them as are necessary, I fear great part of their labour may prove fruitless.

Since your adjournment I have received information that the French intend to attack this place by sea this summer. I think the best way to prevent that design will be to erect two batteries of guns at the Narrows, one on each side, which I believe is the only way to make this Port safe. I have ordered an estimate to be made of what that charge may amount to, which shall in few days be laid before you. I must likewise recommend

1703.

it to your care to provide some fund for the carrying on the fortifications at Albany and other places on the frontiers, lest for want of them, the farmers of those parts should desert their habitations as they have formerly done. I wish, Gentlemen, you would think of a Bill for the better ascertaining and preserving the highways in this Colony. I must again recommend to you a Bill to prevent the distilling of rum and the burning of oystershells into lime within this city. I have great reason to believe that both those things did contribute very much to the increase of that fatall distemper this City was unhappily visited with last summer. I do not doubt but several other things will occur to your thoughts, which may require the passing of wholesome Laws. You will always find me ready to assent to all such Bills as shall be necessary for the promoting and advancing the trade and welfare of this Colony. *Refers to* the successes of H.M. arms in Europe.

Resolved, that the House will take H.E.'s Speech into consideration to-morrow morning.

Humble petition of Martin Clock, of the City of New York, in custody of the Sergeant at Arms, praying his enlargement read. Ordered that he be brought to the Bar of this House to-morrow in order to his discharge.

April 14. He was discharged on paying his fees and acknowledging his offence.

Resolved that the House will on Friday next take H.E.'s Speech into further consideration. [*C.O.* 5, 1185. *pp.* 24–28.]

April 13. **572.** Minutes of Council of Barbados. The President acquainted the Board that the man of war could not be ready to carry the stores to General Codrington with that expedition as was necessary upon so great an emergency. It was agreed to send the brigantine *Larke*, which was then ready.

Petition of Elizabeth Kettlewell, executrix of her husband John Kettlewell, read, setting forth that on July 7, 1702, costs were obtained against John Lewis upon a writ of error brought by him against John Kettlewell, and praying that an execution might issue in her own name, which was granted.

Petition of John Clarke, merchant, read, setting forth that he was nearly related to Richard Forstall, decd., that the interest Forstall had left in this island was in danger of being ruined, to prevent which petitioner had entered several caveats to hinder Mrs. Richard Forstall from having any license to marry, she having been many years frantick; that Richard Cockran might not have the administration of the said decd.'s estate, and that no person might have the custody of the said frantick person without the petitioner having notice thereof. Upon a full hearing of both sides, it appeared that Cockran was fully impowered to manage all the estate of the decd. and have the administration during the absence of Richard Forstall, the decd.'s son now in England, whereupon the petition was dismissed.

Petition of the Hon. Thos. Merrick read, complaining that Thomas Mogridge had for some time last past taken upon him

1703.

to act as a Surveyor without being ever sworn as by law he ought to be, and praying that for the future he might be adjudged incapable to act in the said office of surveyor. Defendant alledging himself to be a Quaker, and proving that he had taken his affirmation, the petition was dismissed.

William Rawlin, Solicitor General, moving this Board that the Judge of the Admiralty had denied to issue his process upon a libel there filed by Capt. William Pead and Capt. John Halsy against William Francis Andrews, late Master of the sloop *Charles II*, for unlawful trading with the subjects of the King of Spain, and praying that an Order might issue to the Judge of the Admiralty that process might go out, and that there may be no further delay of proceedings; the President acquainted the Board that Capt. Manuel Manasses Gilligan had applied to him by petition when he was last in town, and upon his allegations of the unjust of the seizure of that sloop, of which Gilligan pretended to be owner, and pretending that he had a good action against Pead and Halsy for such their acting, prayed that he would issue an order for their giving security to answer such damages as Gilligan should recover against them before trial, in case they should not make prize of her. upon which petition, believing the allegations to be true, he did by surprize sign such order; whereupon the President and Council taking the same into their further consideration, do order what has been done on that petition to be superceded and made void, and that the process of the Court of Admiralty do issue as is usual.

Petition of Charles Willson, Planter, read, praying to be relieved against a bill of costs that was served upon his estate, upon a writ of error brought by Thos. Walker and found good; the said Wilson being called and not appearing to make good the allegations, the petition was dismissed.

George Hooper, Marshal, paid 12*l*. 10*s*. for six months' salary.

Upon the petition of Elizabeth Kettlewell (*see above*), granted that execution issue in her name for 10*l*. 10*s*. against John Lewis.

Wages paid to John Thomas, gunner of Orange Fort.

Petition of M. Casali, that he might not be any longer confined to his chamber, granted, so long as he behaves himself well.

A remonstrance was presented to the Board by Capt. Wm. Pead and Capt. John Halsy (*see above*) against Capt. Gilligan, which was read, and forasmuch as several papers relating thereto are in custody of the Admiralty, ordered that the Hon. Charles Buckworth, sole Judge of the Court of Admiralty, do examine into the matters contained therein, and have power to summon persons and to take depositions relating thereto, and report the same to the President forthwith. [*C.O.* 31, 8. *pp.* 17–21.]

April 12. **573.** Minutes of Council in Assembly of Jamaica. The Assembly met according to prorogation, but no business this day.

April 13. The House attending, the Governor addressed them:—I hope you are met with a full resolution to make a quick dispatch of everything that I mentioned in my former Speech, or anything

1703.

else wch. I have omitted wch. may tend to the honour of the Crown of England and the good of this Island, to which I shall always contribute to the utmost of my power as an honest man, etc. [*C.O.* 140, 6. *p.* 461.]

April 13. Portsmouth. **574.** Minutes of Council and Assembly of New Hampshire. H.E. Lt.-Gov. Partridge dissolved the Assembly. [*C.O.* 5, 789. *p.* 329.]

April 14. **575.** Minutes of Council of Maryland. Letter from the Council of Trade and Plantations, Nov. 11, 1702, read. Proclamation accordingly ordered appointing May 1 at Annapolis and May 29 in all other parts of this province, for a Day of Publick Thanksgiving for the good success of H.M. arms.

The President acquainted the Board that he had upon oath received a complaint of some unwarrantable actions committed by Capt. Nathaniel Bostock, Commander of H.M. Advice-boat *Eagle*, with this Government, and thereupon produced the depositions of the Hon. James Sanders, and Capt. James Mitchell, concerning the violence us'd by Capt. Bostock upon his impressing on board the *Owners' Adventure* (*quoted*). Letter from the President (Thomas Tench), John Hamond and James Sanders to the Governor of Virginia, March 5, enclosing Capt. Bostock's sailing orders and describing his violent behaviour:—When, upon his refusal to comply with his creditors the Sherif was obliged no longer to forbear, he drew his sword in presence of the President swearing the death of such as should lay hands upon him, and betaking himself to H.M. Advice-boat, boasted he would take the Queen's garrison, and threatened he would sacrifice the last drop of blood in his ship before he would be taken *etc.* We entreat your Excellency that as soon as your Government shall be supplied with another guardship in the room of the *Southampton* and H.M. service may allow thereof, you will be pleased to order him up to this H.M. Government, where he may [*be*] answerable for what he has committed here.

The President acquainted the Board that with the advice of Col. Hammond and Mr. Sanders he went down to Puttuxent, where meeting with Capt. Bostock upon his obstinate behaviour, he had committed him by a *mittimus*, *quoted* March 9.

Then was read the Governor of Virginia's letter to the President, of March 23, wherein H.E. acknowledged the receipt of two of his Honour's letters, Feb. 22 and March 6, but not of that sent by the *Eagle*, which is supposed not to be delivered. H.E. was pleased to communicate to this government that he had embargoed the ships in his government until May 13, and desired that as soon as the ships here could be got ready to joyne the ships there bound for England, Capt. Bostock with the *Eagle* might be sent down to Virginia again.

Ordered that the Marshall or Water-bayliffe do go on board H.M. Advice-boat *Eagle*, now riding at the Mouth of Severne River, and deliver to John Symonds the Carpenter and principal

1703.

warrant-officer and other officers on board during the suspension of Capt. Nathaniel Bostock the following order:—"You are hereby in H.M. name required to bring before myself and Council at the house of Mr. John Freeman in Annapolis Capt. Bostock lately committed to your custody," etc.

The Marshal made return upon oath to the Board that he was with this Board [? *order*] within 20 yards of the *Eagle*, and Capt. Bostock being upon the quarter deck, held out his cane and bade them stand, and asked what business they had. They told him they had an order of Council to deliver to Mr. Symonds. Then he said they might come on board, but upon the boatmen's offering to step into the ship, one of the ship's company forbad him, and would not let any come on board, whereupon the Marshal said he had an order to deliver to John Symons, and asked for him, who was not to be seen, but one of the ship's crew bad the Marshall deliver his order to him, for that Symonds had sent him for it, and when he had delivered to that person and not before, they told him that he alone without anybody else might come on board. After a small time, Capt. Bostock bade them put off, and begon about their business.

April 15. Capt. James Mitchell, master of the *Owners Adventure* of London, acquaints the Board that notwithstanding that Capt. Bostock had received on board the two men which he had lent him, and that Capt. Mitchell's ship was very weakly manned, he still detained two or three men lately impressed from on board his ship. Ordered that the Marshall carry on board the *Eagle* a command to the commander in chief on board, to deliver up to him the two men referred to, together with an order to Capt. Bostock immediately to transmit to this Board why their orders of yesterday were not duly complied with, and also a Journal of his proceedings since the departure of Governor Blakiston.

Stephen Haughton, Chirurgion of the said Advice-boat, delivered a letter from Capt. Bostock, saying that he had been on board 8 days expecting orders but had received none, and proposed to beat about the mouth of James River to prevent false trading and protect the province, there being never a man-of-war there, and intending to sail there with the consent of his officers, "if you do not send me orders so to do."

The Marshall returning said that when he was a short distance from the *Eagle*, Capt. Bostock asked their business, and said he was the Commander in Chief of that vessel, and sent the coxswain on the ship's side to take what papers he had, and promised an answer by and by, and after half an hour said the Orders required no answer. Further debate of this matter referred to a full Council.

Five ships being now ready to sail for England, ordered that the Naval Officers clear all such ships as can be got ready by May 10, and take their bond in 1,000*l. sterl.* that they will call at Kiquotan in Virginia and join themselves under a convoy if any there, or otherwise with any fleet of merchant ships ready to sail thence to England. [*C.O.* 5, 745. *pp.* 19–27.]

1703.
April 15.
Whitehall.

576. Journal of Council of Trade and Plantations. Letter from Mr. Thurston read. Ordered that he have notice to continue his sollicitations in all those matters relating to Newfoundland referred to, until a final determination.

Draught of a letter to be signed by H.M. to Governor Dudley agreed upon.

Draught of a Circular Letter to the Governors of Plantations agreed upon, and ordered that particular letters to the several Governors be prepared accordingly.

Ordered that the Agents of Barbadoes, Mr. Cary, Mr. Jory, Mr. Hutchinson, Sir Bartholomew Gracedieu, Sir Gilbert Heathcote, Mr. Perry, Col. Blakiston, Mr. Thrale, Mr. Penn, Mr. Phips, and Mr. Usher be desired to attend on Wednesday, in order to offer what they may think fit relating to the regulation of the coine in the Plantations.

April 16. Representation wherewith to lay a letter to Governor Dudley before the Queen, relating to the wast lands in New Hampshire, signed.

Draughts of letters for H.M. signature, relating to the salaries of Governors, agreed upon, and a Representation signed. [*C.O.* 391, 16. *pp.* 73–76; *and* 391, 97. *pp.* 297–301.]

April 15. **577.** J. Thurston to William Popple. The Lord Treasurer has ordered payment of the necessary sums for provisions, clothing and substance for the Company at Newfoundland, as likewise a year's clearing for the Commission Officers, but has not determined anything relating to the Paymaster General's receiving the Muster-rolls in the form they are transmitted hither under the hand of the Commodore, whereby the hon. Commission Officers may be also cleared. My Lord Treasurer has ordered nothing for contingencies either for fire and candle or for medicines, nor given any directions for the value of the malt, to be sent over in money. *Signed*, J. Thurston. *Endorsed*, Recd. Read April 5, 1703. *Holograph.* 1 *p.* [*C.O.* 194, 2. *No.* 115.]

April 16.
Whitehall.

578. Council of Trade and Plantations to the Queen. In obedience to yr. Majesty's Order in Council upon our humble representation relating to the salaries to be allowed to the Governours to yr. Majesty's Plantations and hindring them from receiving presents from the Assemblies, we herewith humbly lay before yr. Majesty the draughts of letters to be prepared for your Majesty's royal signature accordingly. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

578. i. Circular Letter to the Governors of all H.M. Plantations in America relating to Courts of Justice, April 20. Whereas frequent complaints have been made to us of great delays and undue proceedings in the Courts of Justice in several of H.M. Plantations, whereby many of H.M. subjects have very much suffered, and it being of the greatest importance to H.M. service and to the

welfare of the Plantations, that Justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented; we have thought necessary to recommend to you, as we do to the several Governors of other H.M. Plantations in respect of their Government that in the Courts of H.M. of under your Government where you are authorized to preside, you take care that Justice be impartially administered, and that as well there as in all other Courts established within H.M. said of all Judges and other persons therein concerned do likewise perform their several duties without any delay or partiality. And whereas we are informed that there is great want of an especial Court for determining of small causes, we do think it for H.M. service that you recommend to the Assembly of the said of the passing a law for the constituting such Court or Courts, which may be for the ease of H.M. subjects. We further require you to take care that an exact account be transmitted to us by every conveyance of the causes which have been dispatched, and those which remain depending, and in general an abstract of all proceedings in the several Courts of Justice within your said Government. *Signed*, Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Memorandum.* This was writ, *mutatis mutandis*, to the Governours of Barbadoes, Leeward Islands, Jamaica, Bermuda, Virginia, Maryland, New York, New Jersey, Massachusetts Bay, New Hampshire. [*C.O.* 324, 8. *pp.* 243–246.]

April 16. **579.** Memorial from the subscribers for producing Naval Stores in New England to the Council of Trade and Plantations. Your Lordships having bin pleased to give such credit to the sincerity of our intentions against stock jobbing, as to depart from that discouraging clause inserted in the draught of our Charter for restraining assignments of our stock within the first five years, wee thankfully acknowledge your Lordships' favour therein, and doe humbly offer as the most effectual expedient against the frauds and mischeifs in transferring stocks which wee have heard of (the practice itself being wholly unknown to us), that a clause be inserted in our Charter for disabling all persons who shall sell any part of their stock, from directly or indirectly purchasing any stock within one year then next following, under the pain of forfeiting the stock soe purchased; that for the better preventing any evasion of this provision, every person to whom any stock shall be transferred shall declare upon oath to be administred by the Governour, Deputy Governour or some one of the Assistants, for whose use and benefit such

1703.

stock is transferred to him. This together with the clause already inserted in the draught of the Charter obliging all contracts for stock to be executed within six dayes, wee conceive will effectually prevent the common mischeifs which have obtained the name of stock jobbing. But if your Lordships foresee any other mischeifs which these provisions will not remedy, wee are ready to submit to such farther clauses as shall be consistent with the rights of Trade and the prosperity of this undertaking. *Signed,* Wm. Wharton, Agent. *Endorsed,* Recd. 16th, Read April 19, 1703. 1½ *pp.* [*C.O.* 5, 863. *No.* 20; *and* 5, 910. *pp.* 477–478.]

April 16. Whitehall. **580.** Council of Trade and Plantations to the Queen. In obedience to your Majesties Order in Councill upon our humble representation relating to the title of Samuel Allen, Esq., to the waste and unimproved lands in your Majesties Province of New Hampshire, we herewith humbly lay before your Majesty the draught of a letter to be prepared for your Majesties royal signature, to Collonel Dudley, your Majesties Governour in Cheif of the said Province, according to our said representation. *Signed,* Weymouth, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed,*

580. i. Draught of a Letter from the Queen to Governor Dudley, *referred to above.* Whereas Samuel Allen, Proprietor of our Province of New Hampshire, has lately humbly petitioned us that he may be permitted to enjoy the waste and unimproved lands in our said Province, and that he may be quieted in the possession thereof; And whereas it has been represented to us by our Commissioners for Trade and Plantations, unto whom we had referred the consideration of the said Petition that upon consulting our Attorney Generall in relation to the said Allen's title to these lands, they had received his answer that the said Allen hath a good title thereunto, together with his opinion in what manner he may properly assert his right (a copy whereof you will herewith receive), whereupon they our said Commissioners have further humbly offered to us, that the inhabitants of the said Province (whereof both Judges and Juries consist) being generally the parties against whom the said Allen is to contend, that he and those from whom he derives his claim having for a long tract of time prosecuted their right without effect, and that those families having sustained great damage by the delays they have met with in the determination of justice, we would be pleased in consideration thereof, to signify our pleasure thereupon to you our Governour in Cheif of the said Province; we have thought it necessary for the more effectual removal of all obstruction in the course of justice, to direct, and doe accordingly hereby expressly direct and require, that in case the said Allen shall be opposed by the inhabitants, and hindred from entring quietly

1703.

into possession of the said waste lands, or that he be disturbed in the possession thereof, whereupon any tryal or tryals shall be brought before our Courts there, for settling the title to the said waste lands, and that on such tryal or tryals the said Allen do insist that the matters of fact be specially found by the Juries, you do all that in you lies that the matters of fact be specially found accordingly. And further that exemplifications of the entries of all Proceedings and other Papers relating to the settling of the Title to the said lands be delivered, under the seale of the Province, to the parties desiring the same; to the end that upon an appeal or appeals from the judgements thereupon given to us in Councill, wee may be fully informed of those matters in order to a final determination thereof. [*C.O.* 5, 910. *pp.* 463–466.]

April 16. **581.** Memorial from the Subscribers for producing Naval Stores to the Council of Trade and Plantations. Since your Lordships have been pleased to communicate to us the Report made to H.M. in Councill by H.R.H. the Lord High Admiral upon our Petition, we humbly take leave to offer to your Lordships our thought and observations thereon. We doe not apprehend H.R.H. is against our being incorporated according to the prayer of our Petition, but H.H. conceives it necessary for H.M. service (which we also think reasonable, and are willing to comply with), that masts of the largest size, such as are now furnished to H.M. by Mr. Tayler and Mr. Wallis should be imported by this Company, to which end wee are willing to submit to a clause to be inserted in our Charter obliging us to contract and agree with the Commissioners of the Navy for the time being, to import from New England and Plantations adjacent for the use and supply of H.M. Navy, such masts of the largest size and dimensions as can be there had and produced at such rates and prices and upon the like terms as the same have for seven years last past, in the respective times of war and peace, been usually imported from thence for supply of the Navy; and we hope it will be supposed such contract may and will be as easily, and with as much certainty performed by a Company as it may or can be by a few or private persons. We are likewise willing (besides the quantities of other naval stores mentioned in the draught of our Charter to be imported by us yearly) to offer H.M. the pre-emption of whatever wee shall import of the same species; and shall (as wee think it our interest so to doe) endeavour to have the same of the best sorts that can be there produced, and tho' wee intend nothing less, yet do not conceive it necessary to contract not to raise the price of those commodities since H.M. will have the pre-emption, and to raise the price of them, when the same may be had of others at a lower rate, will not be consistent with the discretion or interest of the Company; besides it's not probable such quantities of naval stores as the subscribers will by their Charter be obliged to import will advance

1703.

the price of those commodities, but rather will have a quite contrary effect. As to the naval stores mentioned in the said Report to have been sent from New Yorke by the late Earle of Bellomont, wee know not of what sort or species they were, but must acquaint your Lordships we have been informed the same were only produced as an experiment, and that naval stores have not been usually raised there or imported from thence, but that such stores have from time to time been produced in New England and imported hither and have been found good and fit for H.M. service. The subscribers farther humbly crave leave to assure your Lordships of the sincerity of their intentions effectually to prosecute this undertaking, in case they may be incouraged by H.M. favour and a speedy dispatch therein, which the length of time already spent in the consideration thereof, and the great trouble and charge they have been at, as well as the season of the year for these purposes drawing on, makes it the more necessary for them to request. *Signed*, Wm. Wharton, Agent. *Endorsed*, Recd. 16th, Read April 19, 1703. 3 *pp.* [*C.O.* 5, 863. *No.* 19; *and* 5, 910. *pp.* 473–476.]

[April 16.] **582.** Mr. Thrale and Mr. Mercer to the Council of Trade and Plantations. The delay in fixing the accounts is no prejudice to Lady Bellomont, because she will be found a debtor on the balance of the account *etc.* *Signed*, Jno. Thrale, John Mercer. *Endorsed*, Recd. 16th, Read April 19, 1703. 1 *p.* [*C.O.* 5, 1048. *No.* 53; *and* 5, 1119. *pp.* 474, 475.]

April 16.
H.M.S. *Bristol* in Plymouth Sound.

583. Capt. Acton to the Secretaries of State. At my leaving Admiral Whetston it was his order I should acquaint your Lordships of the arrival of H.M. ship under my command, wch. was upon Wednesday ye 14th inst. at 8 att night, where I found orders to put to death Coll. Richd. Kirkby and Capt. Cooper Wade, whom with Capt. John Constable now on board; the two former I have in obedience to the Order executed by shooting to death this day at six a clock afternoone, and the other still remains prisoner till further Orders. Feb. 14th I parted from the Keys of Port Royall in company of Rear Admirall Whetson and his fleete consisting of about 12 sail of men-of-war, and 2 fireships, up as high as Cape Tiberoon, where I left him standing to the Eastward of the South side of Hispaniola, his fleete being in good health, as hath been any time to my knowledge these 3 voyages I have been there, I thank God we enjoy the same ourselves, I being the weakest of any on board. The Country in general is healthy and very free from the insults of the enemy *etc.* *Signed*, Ed. Acton. *Endorsed*, R. April 19, 1703. *Addressed.* 1¾ *pp.* [*C.O.* 318, 3. *No.* 15.]

April 16.
Boston.

584. Minutes of Council of the Massachusetts Bay. Licence was granted to Capt. Cyprian Southack to erect a building of timber for a dwelling-house on his land situate on the N.W. side of Boston, being the same piece of land on which the late

1703.

Governor Endecott's dwelling-house formerly stood, provided the roof be slated, and the ends and fronts rough-cast or plastered.

Licence granted to Bartholomew Green, mariner, to erect a building of timber on his land in addition to his dwelling-house at the north end of the town butting on the street leading to the North burying place.

Various salaries of officials and soldiers paid.

56s. paid to Capt. Josiah Chapin for three days' service of himself and three men in the Nipmug country, being sent thither by H.E. upon especial service.

20s. paid to John Waite, late Deputy Sheriff of the County of Middlesex for nine days' attendance on H.E. and Council during the session of the General Assembly at Cambridge in October.

1,725*l*. 8s. 8*d*. paid to Mr. Treasurer for provisions etc. furnished to H.M. Castle, and the Forts at Saco and Casecobay *etc*.

46*l*. 6s. 11*d*. paid to Capt. William Wormall, late Commander of H.M. Fort at Casecobay, for a new boat with tackle and furniture, firewood and charcoal for the armourer and for other necessaries for the use of the fort.

8*l*. paid to John Mills for various expresses to Barnstable and one to Salem.

13*l*. 15s. paid to Capt. Cyprian Southack for horse hire and expence for himself and man in a journey from Boston to Winter Harbour and back in Jan. and March on H.M. service.

51*l*. 10*s*. paid to Capt. Andrew Wilson on behalf of the owners of the *Greyhound*, lately employed in H.M. service for 24 days.

Accounts presented by Andrew Belcher and Capt. Cyprian Southack referred to Committee. [*C.O.* 5, 789. *pp.* 496–499.]

April 16. **585.** Journal of House of Representatives of New York. Petitions of Adrian Hooglandt and Van der Spiegel in custody of the Serjeant at Arms, acknowledging their offence and praying their enlargement, read, ordered that they be brought to the Bar of the House to-morrow.

H.E.'s Speech considered. Ordered that a Bill be brought in to impower the Commissioners appointed to examine the accounts of the Revenue to compel any person to lay such books and papers before them as are necessary.

Ordered, that a Bill be brought in for the ascertaining and amending and preserving the highways in this Colony.

Leave was granted to the Representatives of the City and County of Albany to bring in a Bill to enable the Justices of the Peace to repair or rebuild a common goal and City Hall for the said City and County and to pay the arrears of their charge.

Petition of the Minister and Elders of the French Protestant Church in New York, for leave to bring in a Bill for enabling them to sell their present meeting-house and lot of ground, and to purchase a larger tract of ground to build a larger meeting-house for the use of the said French Protestant Congregation, granted.

1703.

April 17. Messrs. Hooglant and Van der Spiegel were discharged upon paying their fees.

Bill to enable the Justices of Albany, referred to above, was read a first time. [*C.O.* 5, 1185. *pp.* 28–31.]

April 17. St. James's. **586.** Order of Queen in Council. Approving Representation of April 16, relating to Governors' salaries, and the drafts of letters enclosed, which the Earl of Nottingham is to prepare for H.M. signature accordingly. *Signed,* John Povey. *Endorsed,* Recd. Read April 27, 1703. ¾ *p.* [*C.O.* 324, 8. *pp.* 246, 247; *and* 323, 5. *No.* 12.]

April 17. St. James's. **587.** Order of Queen in Council. Approving Representation of April 16, relating to Mr. Allen, and ordering the Earl of Nottingham to prepare the letter enclosed for H.M. signature. *Signed,* John Povey. *Endorsed,* Recd. Read April 27, 1703. ¾ *p.* [*C.O.* 5, 863. *No.* 21; *and* 5, 911. *p.* 17.]

[April 19.] **588.** Copy of an Act passed in Maryland in 1699 *for ascertaining the bounds of lands,* with Lord Baltimore's objections thereto. *Endorsed,* Recd. Read April 19, 1703. 16¼ *large pp.* [*C.O.* 5, 715. *No.* 74.]

[April 19.] **589.** Copy of an Act passed in Maryland in 1695, *for securing administrators and executors from double paying of debts and limiting the time for payment of obligations* etc., with Lord Baltimore's objections thereto. *Endorsed,* Recd. Read April 19, 1703. 3 *pp.* [*C.O.* 5, 715. *No.* 75.]

April 19. Whitehall. **590.** Journal of Council of Trade and Plantations. Ordered that in the Instructions to be given to the Commodore for Newfoundland there be an article to direct him to examine the allegations of Captain Powel about the provisions etc. pretended to have been furnished by him to the soldiers; likewise to enquire into and make report of the expense of the provisions sent thither the last year and what remain in store.

Further that a letter be also writ to Capt. Richards to the like effect.

Letter from Mr. Skene, Feb. 2, read, and enclosures laid before the Board.

Reply of Mr. Thrale and Mr. Mercier to Mr. Taylor's Memorial read.

Two papers from the Lord Baltemore were laid before the Board. Ordered that a letter be prepared wherein to enclose a copy of the same to the Council of Maryland, that they may consider thereof with due regard to his Lordship's rights; and that the said letter be afterwards delivered to his Lordship that he may send it forwards by what conveyance he thinks most proper.

Two Memorials from Mr. Wharton read.

Letter from Col. Handasyd, Feb. 9, enclosing an Act of Jamaica to prevent the resetling of Port Royal, read, and directions given for preparing an answer thereunto.

1703.

Letter from Col. Dudley, Dec. 10, read, and enclosures laid before the Board.

Ordered that a Representation be prepared setting forth the complaints that lye before this Board against Lt.-Gov. Partridge, and recommending that Mr. Usher be restored to that command.

Ordered that Mr. Usher have notice to attend concerning the alterations desired by the New Hampshire Address to be made in the rules for cutting of masts in Piscataqua.

Order of Council, April 3, relating to New York, read; thereupon ordered that Mr. Thrale have notice to sollicite the dispatch of the affairs of that Province in the several offices to which any part thereof is referred.

April 20. Circular Letters to the Governors, relating to the Courts of Justice in the Plantations, signed.

Letter from Mr. Larkin, Nov. 9, read. Directions thereupon given for preparing a report to H.M.

Mr. Thrale attending, their Lordships directed him *as above*.

Petition of Samuel Allen read. Directions given for preparing the Representation concerning Lt.-Gov. Partridge ordered yesterday to the same effect.

Ordered that Mr. Usher have notice (when he comes to Town) to make certain inquiry whether Mr. Partridge have had H.M. Commission for that Government, or that he do continue in it by virtue only of H.M. Proclamation upon the demise of the late King.

Order of Council, March 20, for repealing two Acts of the Leeward Islands, read, and ordered to be transmitted in the first occasion to Col. Codrington, together with the reasons for the repeal thereof.

April 21. Letter from Mr. Penn, about coine in the Plantations, read. The Agents (*summoned April* 15) attending in relation to regulating the currency of coyn in the Plantations, they generaly agreed that it would be well if the rate thereof were equal in all places; only Mr. Cary declaring that as Agent for Antego (where pieces of eight under 16 penyweight go at six shillings, and above that weight at 6*s*. 6*d*.) he could not think fit that any alteration might be made there, because the people of that Island had found that this course had brought in money amongst them. The gentlemen concerned for Jamaica informed the Board that the rate of Peices of Eight of about 13½*d*. weight is there at 5*s*., and those above 16*d*. weight at 5*s*. 6*d*.

Sir Bartholomew Gracedieu and Mr. Way afterwards desired leave to lay before the Board their reasons against the confirmation of the late Act of Jamaica, to prevent the resetling of Port Royal; Sir Gilbert Heathcote, on the other side, declared his opinion for the Act, and that it would be for the advantage of the Island, if the seat of trade were removed to Kingston; whereupon their Lordships desiring them to meet together and confer upon that matter, the Secretary was ordered more particularly to write to them to that effect, and to desire them to lay their opinion, or opinions, before the Board in writing on Monday next in the afternoon. [*C.O.* 391, 16. *pp.* 76–86; *and* 391, 97. *pp.* 305–314.]

1703.
April 19. **591.** Journal of House of Representatives of New York. Bill for prohibiting the distilling of rum and burning of oyster shells into lime within the City of New York or within a mile's distance of the City Hall was read the second time (*sic*) and committed.

Bill to enable the Justices of Albany, read the second time and committed.

H.E.'s Speech further considered.

April 20. Petition of Richard Greener read, praying some allowance for the hurt he received by a shot from the fort in the time of the late disorders, and order to lie upon the table.

Bill to enable the Justices of Albany read and passed with amendments.

Bill to enable the building of a French Protestant Church *etc.* read the first and second time, and amended.

April 21. Ordered that a Bill be prepared to explain the Act for defraying the public charge, and maintaining the poor and preventing vagabonds. H.E.'s Speech further considered. [*C.O.* 5, 1185. *pp.* 31–34.]

April 19. At H.M. Royal Capitol, in the City of Williamsburgh. **592.** Minutes of Council of Virginia. Whereas Capt. James Greenwell, *Richard and James*, of London, hath laid before this Board an order of H.M. in Council, Dec. 3, 1702, that no stop be laid on said ship. Ordered that the Collectors and Naval Officers clear her accordingly. [*C.O.* 5, 1412. *p.* 63.]

April 20. **593.** Draught of Letter from the Queen to the Governor and Council of the Leeward Islands. Whereas several inconveniences have arisen to our Government in the Plantations by gifts and presents made to our Governours by the General Assemblies, we have thought fit hereby to signify our express will and pleasure that neither you our Governour, nor any Governour, Lieutenant Governour, Commander in Chief, or President of any of the Councils of our Leeward Islands for the time being, do give your or their consent to the passing any Law or Act for any gift or present to be made to you or any of them by the Assembly or Assemblies of all or any of our said Islands, and that neither you or any of our said Islands, and that neither you nor they do receive any gift or present from any of the said Assemblies or others on any account or in any manner whatsoever, upon pain of our highest displeasure and of being recalled from that our Government, except only that there being no house appointed or set apart by us for our said Governour, or Lieutenant Governours we are pleased to permit the General Assembly and particular Assemblies of our said Islands to assign or provide a house, or rent for the same, out of the publick levies of the said Islands, and to allow you, the Governour, and Lieutenant Governours aforesaid for the time being, to accept thereof, untill a house be built for you or them respectively; provided that the assignment of a house, or rent for the same as aforesaid, be made at the first Session of Assembly after such Governour or Lieutenant Governour's arrival, or after your receipt of this signification of

1703.

our royal pleasure in this behalf, and that the said house or houses or rent for the same, be assigned to you, our Governour, or Lieutenant Governours respectively as aforesaid for the whole time of your and their Government.

And whereas the salary of 700*l. sterl. p. annum* assigned out of the Duty of 4½ *per cent.* arising in the Leeward Islands, for the Governour in Chief of those our Islands, may not be sufficient for his support, and there having been hitherto no salaries established for the particular Lieutenant Governours of each of our said Islands vizt. St. Xtophers, Antego, Nevis and Mountserrat, we have been graciously pleased to give direction that 500*l. sterl. p. annum* be further added out of the said Duty of 4½ *p. cent.* to your present salary and to the salary of the Govr. in Chief for the time being. And we have likewise directed that 200*l. sterling p. ann.* be appointed out of the said Duty of 4½ *p. cent.* for the respective salaries of each of the Lieutenant Governours, which will be a sufficient salary for them. And whereas by this increase of salaries out of the Duty of 4½ *p. cent.*, granted by the several Assemblies for maintaining the honour and dignity of the Government and for other publick uses, the Assemblies of those Islands will have an opportunity and be in a condition of applying those summes which they frequently gave in presents to the Govrs. or Lieutenant Governours by temporary levies towards such other publick uses as may be most necessary for the defence and safety of the said Islands; we do not doubt but that in consideration of our care in exempting our good subjects from this customary burden of presents the said Assemblies may be the more easily induced to contribute in more ample and effectual manner to their own safety and preservation.

And we do further direct and require that this declaration of our royal will and pleasure be communicated to the several Assemblies of our said Islands at their first meeting after your receipt hereof, and entred in the Registers of our Councils and Assemblies there, that all persons whom it may concern may govern themselves accordingly. Given at our Court of St. James the 20th day of April, 1703, in the second year of our reign. *Countersigned*, Nottingham. [*C.O.* 153, 8. *pp.* 158–162.]

April 20.
St. James's.

594. Similar letter, *mutatis mutandis*, from H.M. to the Governor of Barbados: The rent allowed by the Assembly not to exceed 300*l. sterl. per annum.* "And whereas the salary of 1,200*l. sterl.* assigned out of the duty of 4½ *p.c.* for the Governor in Chief may not be sufficient for his support, we have been graciously pleased to give direction that 800*l. sterl. per annum* be further added out of the said Duty to your present salary and to the salary of the Governor of that our Island for the time being, which by such addition will amount to 2,000*l. sterl. per annum* and be a competent maintenance for our Governor in Chief." etc., *as above.* [*C.O.* 29, 8. *pp.* 297–300.]

April 20.

595. Similar letter, *mutatis mutandis*, to the Lt.-Governor of the Bermuda Islands: *After provision for Governor's House Rent*

1703.

as in preceding, continues, "And whereas the salary of our Lieutenant-Governor of those Islands amounting to 400*l. sterl. per annum* may not be sufficient for his support, we have been graciously pleased to give direction that 100*l. sterl. per annum* more be added out of our Exchequer to your present salary and to the salary of the Lieut. Governor of our Islands for the time being." [*C.O.* 38, 5. *pp.* 365–367.]

April 20. **596.** Similar Letter, *mutatis mutandis,* to the Governor of Virginia. *First and last paragraphs only.* [*C.O.* 5, 1360. *pp.* 365, 366.]

April 20. **597.** Draught of a letter from the Queen to the Governor and Council of the Massachusetts Bay. Whereas several inconveniences have arisen to our Government in the Plantations by gifts, presents and temporary salaries, made or assigned to our Governours by the General Assemblyes, in order to the preventing whereof it is necessary that constant and fixt salaries be appointed and settled for the support of the respective Governours of our said Plantations; and whereas the General Assembly of our Province of the Massachusets Bay have hitherto declined to settle such salaries as are necessary for the support of that Government; our will and pleasure is that at the first meeting of the said Assembly after your receipt hereof, you doe acquaint them that (in regard to the great priviledges our loving subjects of that our Province doe enjoy) we do expect that they forthwith settle a constant and fixt allowance upon the Governour suitable to the character and dignity of that Government, together with a fitting provision for the Lieutenant Governour or Commander in Cheif for the time being, and that the same be done without limitation of time. And you are farther to signify to them, that if they neglect this opportunity of complying with our just expectations, we shall be obliged to have recourse to such remedies as may be proper and effectual in order to a due provision herein. And upon the settlement of such salaries as aforesaid for the support of you our Governour, and of the Governour and Lieutenant Governour for the time being, we are hereby pleased to direct that neither you our Governour nor any Governour, Lieutenant Governour, Commander in Cheif or President of the Councill of our said Province for the time being, do give your or their consent to the passing of any Law or Act for any gift or present to be made to you or them by the Assembly, and that neither you nor they do receive any gift or present from the Assembly or others on any account or in any manner whatsoever upon pain of our highest displeasure, and of being recalled from that our Government. And we do further direct and require that this declaration of our royal will and pleasure be communicated to the Assembly at their first meeting after your receipt hereof and entered in the Registers of our Councill and Assembly, that all persons whom it may concern may govern themselves accordingly. Given at our Court of St. James the 20th day of Aprill, 1703. In the second year of our reign. [*C.O.* 5, 910. *pp.* 467-469.]

April 20.
St. James's.
598. H.M. the Queen to the Lt.-Gov. and Council of Jamaica. Trusty and welbeloved, we greet you well. Whereas several inconveniences have arisen to our Government in the Plantations by gifts and presents made to our Governours by the General Assemblies, We have thought fit hereby to signify our express will and pleasure that neither you our present Lieutenant-Governor nor any Governour, Lieutenant-Governor, Commander in Cheif or President of the Councill of our Island of Jamaica for the time being doe give your or their consent to the passing any Law or Act for any gift or present to be made to you, or them by the Assembly, And that neither you nor they do receive any gift or present from the Assembly or others, on any account or in any manner whatsoever, upon pain of our highest displeasure, and of being recalled from that our Government. And whereas the salary of 2,000*l.* *p. annum* currant money of that Island assigned for the Governour in Cheif, out of our Revenue arising there may not be sufficient for his support, we are hereby graciously pleased to direct that 500*l.* *p. annum* of like currant money be added out of our said Revenue to the present salary of our Governour in Cheif of that our Island for the time being, one moyety whereof (upon the death or absence of our Governour in Cheif) is to accrue to you our Lt.-Governour and the Lieutenant-Governour for the time being. And whereas by this increase of salary out of our Revenue arising in that Island the General Assembly will have an opportunity, and be in a condition of applying those large sums which they have frequently given in presents, to the Governours and Lieutenant-Governours by temporary levyes, toward such other publick uses as may be most necessary for the defence and safety of our said Island, We do not doubt but that in consideration of our care in exempting our good subjects from this customary burthen of presents, the said Assembly may be the more easily induced to contribute in more ample and effectual manner to their own safety and preservation. And we do further direct and require that this declaration of our royal will and pleasure be communicated to the Assembly at their first meeting after your receipt hereof, and entred in the Register of our Councill's Assembly, that all persons whom it may concern may govern themselves accordingly. Given at our Court at St. James the 20th day of Aprill, 1703, in the second year of our reign. *Signed*, Nottingham. By her Maj^{tie}. command. [*C.O.* 138, 10. *pp.* 434–436.]

April 20.
599. Similar letter, *mutatis mutandis*, to the Governor and Council of Maryland. *Variations; Except only*, whereas there is no House appointed or set apart by us for our said Governour, and the Assembly of our said Province having upon the arrival of Col. Blakiston, our late Governor there, past an Act for raising

1703.

a further revenue of 3*d*. *per hhd.* as an additional allowance to him for his better maintenance during his government over and above his ordinary allowanee out of the duty 2*s*. *per hhd.* upon tobacco exported, we are pleased to permit the Assembly to repass the like Act for your better maintenance, as also to assigne you a House, or rent for the same, provided the said Act be past and House or Rent assigned to you for an unlimited time or during your continuance in that Government. [*C.O.* 5, 726. *pp.* 256, 257.]

April 20. **600.** Similar Letter, *mutatis mutandis*, to the Governor and Council of New York. 600*l*. *sterl.* to be added out of H.M. Revenue to the 600*l*. salary already allowed. [*C.O.* 5, 1119. *pp.* 468–470.]

April 20. **601.** The Queen to the Governor and Council of New Hampshire. Whereas several inconveniences have arisen to our Government in the Plantations, by gifts, presents and temporary salaries made or assigned to our Governours by the General Assemblies, in order to the preventing whereof, it is necessary that constant and fixt salaries be appointed and settled for the support of the respective Governours of our said Plantations, and whereas there has been hitherto no provision made for the support of our Governour and Lieut.-Governour of our Province of New Hampshire, we doe hereby signify to you our royal will and pleasure, that at the first meeting of the Assembly after the receipt hereof, you doe acquaint them with our expectation, that in regard of our receiving of our good subjects of that Province under our immediate protection and government, they doe forthwith settle a constant and fixt allowance on you our Governour and our Governour and Lieut.-Governour of our said Province for the time being; and that the same be done without limitation of time. And upon the settlement of such constant and fixt allowance for the support of you our Governour and of the Governour and Lieut.-Governour for the time being, we are hereby pleased to direct, that neither you our Governour nor any Governour, Lieut.-Governour, Commander in Cheif, or President of the Councill of our said Province for the time being, doe give your or their consent in the passing any Law or Act for any gift or present to be made to you or them by the Assembly, and that neither you nor they do receive any gift or present from the Assembly or others, on any account or in any manner whatsoever, upon pain of our highest displeasure, and of being recalled from that our Government. And we doe direct and declare that this declaration of our royal will and pleasure be communicated to the Assembly at their first meeting after your receipt hereof; and entred in the Registers of our Councill and Assembly, that all persons whom it may concern may govern themselves accordingly. Given at our Court of St. James, the 20th day of Aprill, 1703, in the second year of our reign. By H.M. command. [*C.O.* 5, 910. *pp.* 470–472.]

April 20. **602.** Similar letter, *mutatis mutandis*, to the Governor and Council of New Jersey. [*C.O.* 5, 994.A. *pp.* 130, 131.]

1703.
[April 20.] **603.** Petition of Samuel Allen to the Council of Trade and Plantations. *Prays* for the removal of William Partridge, *upon grounds given previously*, and that John Usher or another be appointed Lieut.-Governor of New Hampshire in his room. *Signed*, Saml. Allen. *Endorsed*, Recd. Read April 20, 1703. 1 *p.* [*C.O.* 5. 863. *No.* 22 ; *and* 5, 911. *pp.* 1–3.]

April 21.
[21$^{m}_{2}$(Apr.) 1703.] **604.** William Penn to the Council of Trade and Plantations. Honble. Friends, As to the advance upon Coyne in America, and the Inequality of it, I am of opinion it is an unhappiness to the Colony, and that they deceive themselves in it ; but haveing made laws to estimate their mony, I am not lawyer enough to say it can be altered but by a law as I have declared there, so I do upon this occasion. I wish all were at a par ; that an ounce of silver should be an ounce of silver in all the Dominions of the Crown. But this objection will be hard to answar (the rest are common to the rise and fall of mony every where and soe I wave them) that for want of returns to England all our mony will be sent in a little time thither. Now tho' this may be what England would like, yet it is what the Plantations, ye Northern especially, will take very ill, unless Murrys Banck were practicable and paper Credit, in the lieu of it. Nor will goeing to Market with mony instead of Goods serve England at long run, any more than the Plantations, who for want of coyn to circulate Trade among themselves, must dwindle in Trade, and the more because not tradeing with the Spanish Dominions as formerly, there will not be that supply and recruit of mony as formerly. Weight seems the fairest way, tho' troublesome, unless the Queen will allow us a Mint. Our single and Double Bitts, or Royals, are like our old clipt, thin sixpences, they want ¼ at least of the intrinsick vallue they goe at ; a great abuse. In short our mony must be melted, markt or weighd. Your better understanding in these things will supply the want of myn. I show my respects by this more than my skill, which will I hope finde yr. charity if not your approbation. I am with due regard your Respectfull Faithfull Friend. (*Signed*), Wm. Penn. *Endorsed*, Recd. Read April 21, 1703. *Holograph.* 3½ *pp.* [*C.O.* 5, 1262. *No.* 27 ; *and* 5. 1290. *pp.* 311–313.]

April 21. **605.** Minutes of Council in Assembly of Jamaica. Message sent up from the Representatives thanking H.E. for his Speech [*April* 12], and assuring him the House will endeavour to perform on their parts what is there required with as much zeal and earnestness as his Honour with so much sincerity has been pleased to express on his. [*C.O.* 140, 6. *p.* 462.]

April 22.
Whitehall. **606.** William Popple to Sir Bartholomew Gracedieu, Sir Gilbert Heathcote and Mr. Way, Agents for Jamaica. The Council of Trade and Plantations desire you to lay before them your opinion in writing on Monday concerning the Act to prevent the resetling of Port Royal. (See *Journal of Council of Trade*, April 21.) [*C.O.* 138, 10. *p.* 438.]

1703.
April 22.
Whitehall.

607. R. Warre to William Popple. *Enclosing* the letters which my Lord [*Nottingham*] has writ by the Queen's Orders about the boom in Newfoundland, that you may please to send them. *Signed*, R. Warre. *Endorsed*. Recd. Read April 23, 1703. 1 *p*. *Enclosed*,

607. i. Earl of Nottingham to Capt. Richards, Chief Engineer and Commander of the Company at Newfoundland. *Enclosing* extract of Representation of the Council of Trade and Plantations relating to the boom. H.M. directs that you may give order for making the same, according to the model there proposed, and take care to do the same with all speed. In order whereunto H.M. has directed some things, which can best be furnisht here, to be sent hence, and money to be sent for the other services mentioned in the enclosed paper, by which you are to govern yourself. *Countersigned*, Nottingham. *Endorsed*, April 20. 1 *p*. *Annexed*,

607. ii. Abstract of Representation of the Council of Trade and Plantations relating to the Boom, April 9. ½ *p*.

607. iii. Earl of Nottingham to the Lord High Treasurer. The Council of Trade and Plantations having represented to H.M. some things they conceive necessary to be sent by the next convoy to Newfoundland. I send your Lordship by the Queen's command an extract of some of those particulars (*amounting to* 158*l*. 10*s*.), that your Lordship may give such orders therein as you shal judge necessary for sending this money. *Signed*, Nottingham. April 20. ¾ *p*.

607. iv. Earl of Nottingham to the Lord High Admiral of England. *Enclosing*. an extract of a letter from the Council of Trade and Plantations about the seamen's assisting in the Fortifications at St. John's Town in Newfoundland. and some anchors *etc*. necessary to be sent thither by the next convoy in order to the making a boom, with an estimate of the charge; the Queen having approved thereof, would have you lay these particulars before H.R.H. that he may give the necessary orders herein. *Signed*, Nottingham. *Subscribed*. Prince's Council. To be sent from hence. Two small anchors *etc*., 23*l*. 15*s*. April 20. ¾ *p*. [*C.O.* 194, 2. *Nos*. 116, 116.i.–iv.; *and* 195, 3. *pp*. 213–218.]

April 22.
Castle of Bermuda.

608. Mr. Larkin to the Council of Trade and Plantations. Enclosing the following. *Signed*, Geo. Larkin. *Endorsed*, Recd. 19. Read July 20, 1703. 1 *p*. *Enclosed*.

608. i. Copy of Mr. Larkin's Memorial to Governor Bennett, April 10, 1703. Larkin is ready to enter into Bond. with or without security, as hath been proposed to and required of him by the Governor, to answer to H.M. in England for what he stands committed to her Castle here, and therefore expects forthwith to be set at liberty in order to setle his affairs, that he may proceed upon

1703.

the service his late glorious Majesty, King William, was pleased to send him, and a positive answer under the said Governor's hand. (1) Whether he will try the persons now in prison upon the account of piracy. (2) Whether he will, upon Larkin's being set at liberty, issue his Commission to two persons, one of them to be nominated by Larkin, for examination of witnesses to make good what's conteined in his letters to the Lords of Trade (3) and grant him forthwith an especial Court for trial of all such actions as he conceive himself entitled unto against any person in those Islands. (4) That he have a copy of all such Instructions as have been given unto Capt. Peasley relating to Larkin. (5) That he have a copy of Col. Day's Commission to Richard Gilbert (6) and of Governor Bennett's Commission and Instructions to Capt. Jennour upon his going out upon the last wreck, (7) and a copy of the bond entered into by Josepp Holbeck and Boaz Bell the younger before two of the Council as Commissioners for trial of pirates, and also a copy of the bonds entered into by others as accomplices to pirates, which are now remaining in the Secretary's Office. *Signed,* Geo. Larkin. *Endorsed,* Recd. July 19, 1703. 2 *pp.*

608. ii. Geo. Larkin to Mr. Minors. April 19, 1703. You gave me to understand by yours of the 12th that the Governor had received my Memorial of the 10th. If I have not an answer to it by to-morrow in the evening, I shall take it as a flat denial of Justice to H.M. I am informed there's a vessel bound directly from these Islands to Jamaica; since I am not permitted to go myself, I desire you'l give me timely notice of her sailing, that I may not loose this oppertunity of transmitting the duplicate of the late King's Commission *etc.*, to the Governor of that place. I have no answer to the first part of my letter touching the affidavits, nor to that of the 9th, and I still want the opinion of the Justices for not bayling me. *Signed,* Geo. Larkin. 1 *p.*

608. iii. Mr. Minors to Mr. Larkin. St. George's, April 19. H.E. is at present extraordinary busy and engaged in sending a packet to H.M. of high importance for H.M. interest in this Government in pursuance of the great trust reposed in him, and H.E. cannot be at present diverted from compleating the same. And when that is done, he will consider of giving you a further answer to your Memorial, and in the meantime, as he thinks himself in all duty bound, will take a due care that no denial or failure of Justice be made towards H.M. service or any her subjects as you seem to charge. *Signed,* Cha. Minors, Secy. *Endorsed,* Recd. July 19, 1703. *Copy.* ¾ *p.*

608. iv. Affidavit in testimony of Mr. Larkin's good behaviour since coming to these Islands. *Signed,* Jacob Russell. *Endorsed, as preceding.* 1½ *pp.*

1703.

608. v. Affidavit of Dr. Starr in testimony of Mr. Larkin's good behaviour. *Signed*, J. Starr. 2 *pp.*

608. vi. Affidavit of John Collings that when Mr. Larkin and Col. Day at high words touching the latter's ingratitude, Mr. Larkin did not mention a word about opposing the Governor or Government, as is set forth in Lt. Henley's affidavit. ¼ *p.* [*C.O.* 37, 4. *Nos.* 22, 22. i.–vi. ; *and* (*without enclosures*) 38, 5. *pp.* 410, 411.]

April 22. Whitehall. **609.** Journal of Council of Trade and Plantations. Upon further consideration of the state of the coine in the Plantations, ordered that abstracts be made of any Acts in this Office, whether confirmed or not confirmed, and of their papers which relate to the rate, weight and fitness thereof.

Their Lordships agreed upon the draught of a report for displacing Mr. Partridge etc., and made some progress in preparing a report upon Col. Dudley's letter relating to the affairs of New England.

April 23. Letter from Mr. Warr inclosing letters under flying seals from the Earl of Nottingham to the Lord Treasurer, H.R.H. Councit, and the Commander in Chief of the Company at Newfoundland, relating to the Boom for St. John's Harbour, read, and copies being taken of the said letters, they were sealed up, and the two first ordered to be put into the hands of Mr. Thurston that he may deliver the same, and solicite the effect thereof. Ordered that in the Instructions to be prepared for the Commodore of the Newfoundland Squadron, he be directed to inspect and take care of the fitting of the said Boom, as far as his other service will permit.

Representation for removing Lt.-Gov. Partridge *etc.* signed.

Representation upon Governor Dudley's letters signed. [*C.O.* 391, 16. *pp.* 86–88 ; *and* 391, 97. *pp.* 317–322.]

April 22. **610.** Journal of House of Representatives of New York. Bill to enable the Justices of Albany read the third time and sent up. [*C.O.* 5, 1185. *pp.* 34, 35.]

April 23. Whitehall. **611.** Council of Trade and Plantations to the Queen. Having some time past represented to your Majesty the state of defence of your Majesty's Province of the Massachusetts Bay, New Hampshire and other adjacent parts, according to the Memorials we had then received, we humbly take leave to lay before your Majesty the last account we have from Collonel Dudley, your Majesty's Governor in Cheif of those Provinces, relating to the same matter, *vizt.*, That in New Hampshire, from whence the best masts and other naval stores are brought, there is but one fortification, situate at a place called New-Castle at the entrance of Piscataqua River, which is not sufficient (without other additional works) for the defence of the said river, the boundary between that Province and the Province of Main. In the Fort there are 31 gunns mounted. The carriages and platforms being defective, Collonel Dudley hoped he might induce the inhabitants

1703.

to repair them: but represents the Province unable (by reason of their poverty) to be at the charge of all such other reparations and works as are necessary for the defence of that country. As to the Massachusets-Bay, and the Province of Main, which is united to that Government, the eastern parts thereof being most exposed to the French, he had travelled through all that country, and renewed the English friendship with the Indians as far as Sta. Croix, but was still apprehensive of their defection by reason of the French Priests that are among them. In the same journey he had viewed the remains of the fort at Pemaquid (a place of great importance for the security of the Eastern frontiers of New England) which was taken from them by the French in the late war and demolished. And as he had been directed by your Majesty to use his utmost endeavours to promote the rebuilding of that fort, he had in order thereunto taken with him workmen and surveyors, who were of opinion, that the repair of the stone work alone could not be perfected under 7,000*l.*, and that the lodgings or furnishing within for the reception of men and stores, would require near as much more, besides twenty peices of ordnance to be put into it. He adds that the maintenance of a hundred men for the defence of that fort, according to the method of payment, and the establishment of that country (which is two shillings per day) together with incidental charges, will amount to near 5,000*l. p. annum.* He had used his endeavours to persuade the Councill and Assembly to raise a fund for the repairing and putting the said fort into a state of defence; and having prevailed with the Councill to concur with him in that matter, the Assembly had refused to do it. Upon consideration of the general necessities of the Province, and their incapacity to sustain the whole charge of the war on all their frontiers, he proposes that cannon and other stores of war formerly desired may be sent from hence, which Collonel Romer, the cheif Engineer there, did particularize as follows, vizt., 50 cannon of 24*lb.* to 18*lb.* ball, 2 mortars, granadoes and bullets in proportion, 4,000 hand granadoes with their fuzees; 600 firearms; 400 heads for half pikes, as likewise 2 master gunners and one bombardier; and as an argument to enforce the reasonableness of these demands, he writes that he had been informed the French have a garrison of 400 men at Port Royal in Nova Scotia near to New England, and did expect more, who in conjunction with their Indians (of whom they had 200 listed, clothed and armed, and many others ready to joyn them) would be able to insult all the inland frontiers of that Province. Upon consideration of the growing state of Port Royal, he humbly proposes that your Majesty would be pleased to direct 3 or 4 men of war to call there, adding that with the assistance of some of the people of New England, for the land part, they might be able to destroy that French Settlement, and deliver your Majesty's territories in those parts from so dangerous a neighbourhood. But in case this be not resolv'd, he insists, however, that (besides the cannon and stores of war before mentioned) a 4th rate frigate may be added to the 5th rate, which does now attend your

Majesty's service in those parts, with which (if no greater force of shipping be sent him) he hopes to do some considerable service; the people of New England commissioned by him having already been very successfull in their undertakings at sea against the French. Upon intimation of an invasion intended by the French and Indians by land, he had prevailed with the Assembly to agree to an Act for listing every fourth man in the Province, to be ready armed and cloathed, fit for a march in twenty-four houres. In relation to the Civil Government of the Province, all the Councillors and other officers being chosen annually by the Assembly, and depending wholly on the people for their subsistence, he represents the same as very inconvenient and inconsistent with your Majesty's service. As to Trade, he set forth the great difficulty of effecting any strict observation of the Acts of Trade amongst the inhabitants of that Province, not only from their own disposition and popular constitution of their Government, but also from their constant intercourse with the neighbouring Colony of Rhode Island, who under ye same pretence of indepent government permit the landing of any goods there without duty. Upon all which we humbly offer to your Majesty, that in relation to *New Hampshire*, your Majesty would be pleased to reinforce the orders formerly given, that the Assembly be urged in the most pressing manner, to do their utmost for their own preservation, and particularly in keeping the fort at Piscataway in good repair and in a state of defence, to which charge we humbly conceive the Assembly of the Massachusetts Bay may in like manner be exhorted to contribute, they being likewise interested in the security of that neighbouring place, as a frontier and inlet to their country. For the encouragement of the people of New-Hampshire (which is a small Province, neither populous nor wealthy, but very considerable on the account of naval stores), we humbly propose that 50 barrills of powder, and 100 small armes with the appurtenances, be sent thither, and that your Majesty would also be pleased to assure them of your royal care and protection, as there may be further occasion; that as to the *Massachusets Bay*, your Majesty would likewise be pleased to reinforce the orders formerly sent requiring the Assembly to exert their utmost endeavours in providing for their own preservation, particularly in building the fort at Pemaquid, and furnishing their other fortifications and stores with necessaries. And we humbly offer that for their encouragement and in part of their demands, your Majesty would be pleased at present to direct, that 20 peices of cannon and two mortars with bullets and shells proportionable be sent thither. As to Port Royal aforementioned, we humbly submit the proposition of destroying that Settlement to your Majesty's great wisdome. Lastly, as to the inconveniences arising in the Massachusets Bay from the want of power in your Majesty's Governour, the irregularities of the trade of those parts, and particularly in Rhode Island, we have nothing to offer more than what we have frequently laid before your Majesty, relating to independent Governments in America. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen. Mat. Prior. [*C.O.* 5, 911. *pp.* 6–14.]

April 23. Whitehall. **612.** Council of Trade and Plantations to the Queen. Having had under our consideration the state of yr. Majesty's Province of New Hampshire in New England, we humbly take leave to observe that William Partridge, the present Lieut. Governour, does appear to us, to be a person unfit for that trust, as having upon several occasions neglected to pursue his Instructions, and being a Merchant known to carry on a trade to forreign parts, which we conceive improper for a Governor to do, since he may divert or monopolise the course of legal and fair trade; and whereas the said Partridge has not yet been confirmed by your Majesty as Lieut. Governor, we are humbly of opinion that it may be for your Majesty's service that he be removed from that imployment. We further humbly offer that John Usher, Esq., formerly Lieut. Governor of that Province, is a person well qualifyed for the discharge of the trust in the place of the said Partridge. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 911. *pp.* 4, 5.]

April 23. **613.** Minutes of Council of the Massachusetts Bay. The town of Marblehead having voted 60*l.* as proposed Feb. 18, 1701, 40*l.* ordered to be paid as then promised. Accounts of the wages due for the crew of the *Greyhound* referred to a Committee.

40*l.* paid to Major Stephen Sewall towards subsisting the 10 men posted at the fort at Salem. [*C.O.* 5, 789. *p.* 499.]

April 24. St. James's. **614.** Order of Queen in Council. Approving of Representation of April 23, and having not as yett confirmed the said Partridge in the Government of New Hampshire, H.M. in Council is pleased to appoint John Usher to be Lieut. Governor in his room, and ordering the Council of Trade and Plantations to prepare the draught of a Commission for H.M. Royal signet and sign manual accordingly, and to present the said draughts for H.M. approbation at this Board. *Signed*, John Povey. *Endorsed*, Recd. Read April 30, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 24; *and* 5, 911. *pp.* 21, 22.]

April 24. St. James's. **615.** Order of Queen in Council. Approving Representation of April 23, and ordering the Council of Trade and Plantations to prepare draughts of letters to the Governor of the Massachusetts Bay and New Hampshire in the most pressing manner accordingly and to present the same for H.M. approbation at this Board. *Signed*, John Povey. *Endorsed*, Recd. Read April 27, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 23; *and* 5, 911. *pp.* 15, 16.]

April 24. Williamsburgh. **616.** Minutes of Council of Virginia. H.E. acquainted the Council with his intentions of going to New York to meet my Lord Cornbury as soon as the General Court is over, pursuant to the desire of the Council of Trade and Plantations, Nov. 4., and ordered that if anything extraordinary should happen during

1703.

his absence expresses should be sent after him to Annapolis, and in case he were gone from thence, to Philadelphia, and so to New York, if he should go so far. Proclamation ordered, notifying that the administration of the government is vested in the President and Council, and declaring William Byrd President, during such absence.

Upon reading a letter from Henderson Walker, President of North Carolina, complaining that the Maherine Indians do daily commit great injuries to the inhabitants of that province by destroying their stocks and burning their timber and houses, refusing to pay tribute or render obedience to that Government upon pretence that they are tributaries to this H.M. Colony and Dominion, altho' their living is amongst the inhabitants of North Carolina, it is the opinion of the Council that it doth not appear that the said Maherine Indians live within the bounds of Carolina, but have always been reputed tributaries and paid tribute to this Government as living under the same, and therefore the Province of North Carolina hath no pretence of demanding tribute of them, but if any injuries or outrages have been or shall be committed by them, upon due proof thereof, H.E. and Council will take suitable measures for furnishing them, and giving all reasonable satisfaction to the inhabitants of North Carolina.

Upon a petition of George Walker, ordered that the Court of Elizabeth City County inquire into the condition of the tackle of the *Abraham* of Bristol, sunk at Point Comfort, and if it prove to be perishing from rats etc., as alleged, that they dispose of it for the benefit of the owners.

Thomas Wynn was appointed Interpreter to the Nattoway, Maherine and Nansemond Indians in the room of Thomas Blunt, with whom they have expressed dissatisfaction.

Whereas the Nansemond Indians have made application to H.E. that no person may be allowed to take up land below a place called the Bean Swamp adjacent to their land, Ordered that Thomas Wynn enquire what and how much land the said Indians now possess, and what quantity of land there is below the Bean Swamp.

Whereas the Nattoway Indians have made complaint that the English inhabitants daily take up land and seat nigher to their towns, so that in a short time they will have no room either for their stocks or hunting, and praying that none may be permitted to seat nigher to their town than at present, and also complaining that William May of Isle of Wight County hath surveyed a Plantation belonging to them on the Nattoway Swamp, ordered that the Interpreter inquire into the matter.

Complaint being made by the Nattoway Indians that the inhabitants of this Colony carrying rum into their town may prove of very dangerous consequence by reason that many of their men getting drunk therewith may at such times be made an easy prey to any strange Indians who shall invade them, H.E. by advice of the Council doth hereby strictly forbid all persons whatsoever to carry any rum or other strong liquor into the Nattoway Town, upon pain of suffering such punishment as may justly be inflicted on them for their offending in a matter of such pernicious consequence. A copy of this Order to be published by the Sheriffs.

Upon the Representation of Mr. Secretary Jenings, the Council advise that H.E. represent to H.M. that the Clerk of the Council, House of Burgesses and General Court, if they be Clerks of Counties, have power to appoint deputies.

Petition of Edmund Jenings that, having paid duty on tobacco shipped by him for Barbadoes, but burnt in York River, he be admitted to re-ship the same quantity duty free, was referred to the Trustees and Governors of H.M. College of William and Mary, being a matter relating to the Revenue of the College.

Upon reading a petition of William Byrd, of King and Queen County, setting forth that upon information given to H.E. and Council of certain words spoken by the petition against the General Assembly, an order was made that he should be taken into custody until he gave security for his good behaviour, and being the petitioner was never guilty of speaking such words out of malice, but only as they had been told him by others, he therefore prayed that certain witnesses may be examined, and if his innocence shall thereupon appear, that he may be discharged from further trouble; H.E. and Council, being satisfied that petitioner hath behaved himself well and peaceably towards the Government ever since the aforementioned order was past, declared the said Order void.

Ordered that the Clerk of the Council deliver back to Mr. Auditor Byrd the Bills of Exchange drawn by him pursuant to H.M. directions for payment of 3,388*l.* 3*s.* 4*d.* to the Treasurer of H.M. Ordnance for arms and stores of war, there being no opportunity at present of transmitting the said Bills to England.

Warrants signed for salaries etc. [*C.O.* 5, 1412. *pp.* 64–71.]

April 26. **617.** Sir Gilbert and Josiah Heathcote to the Council of Trade and Plantations. Having lived about 15 years in the Island of Jamaica, and being not long since arrived from thence, my brother Sir Gilbert Heathcote has prayed me to give your Honours my thoughts concerning the Bill for preventing the resettling of Port Royall, which I shall humbly offer and submit all to your Lordships' great wisdome. As for the Bill, I am satisfyed the Councill and Assembly had very good reasons for the passing it there, having a personal acquaintance with the most of em and know em to be persons wholly disinteressed in this matter, and I am of their opinion, that it is for the general good and safety of the whole Island, and 'tis upon these reasons. The town of Port Royal near Jamaica is situated on a small sandy bay incompassed by the sea, which is so sunk by the dreadfull earthquake in 1692, that now the highest ground on the whole place is not above two or three foot to water; the whole bay may now contain between 25 to 28 acres, but above ⅓ part of that is made land out of the sea within the harbour since the said earthquake. Thus it lying so low and the east and trade wind blowing directly upon it is in my opinion in great danger of being washt away ; to prevent this, it has cost the inhabitants very great sumes of money, first by pileing and planking, and that method proving ineffectuall (the sea breaking them up, almost as fast as they were drove and spiked down), they built a strong wall to oppose it, but neither will that, I doubt, prove a security, for it has undermined that wall severall times, and made large breaches, whereof I have been an eye witness, and am fully persuaded if a hurricane or strong south wind should happen near that Island, it would infallibly swallow up the whole bay in a moment. The place being so very small, there is not room upon it to build convenient dwelling and store houses for one half of the trading people, and to crowd all their buildings so close may expose it to a second destruction by fire, and the same mischeif that has lately happened by the carelessness of one servant may be done by one bomb from an enemy whenever our strength is inferior to theirs. The fortifications at Port Royall are esteemed by men of skill and knowledge in those matters to be of no security for the Island of Jamaica in generall, nor of itself in particular, as Admirall Benbow and others have told me, for an enemy's ship of warr may goe into the Harbour without being obliged to goe within a mile of that place. Besides, in case of an attack the communication between it and the mainland is very inconvenient, if not impossible, being above three miles distance from any convenient place of passage to it from the rest of Jamaica ; so that they can neither be relieved, nor make their retreat in case they should be reduced by the enemy, and besides the loss of H.M. fortifications as also the inhabitants' houses, and merchants' effects, the greatest number and strength of the people of Jamaica would be cutt off at one blow ; together with the loss of the shipping. The place produces no fresh water, nor is there room to make cisterns to hold any quantity of water in the Fort. When a sea breese has happened to blow hard for 8 or 10 days together, so that the canoes could not bring em over their water, which they fetch about seven miles off, I have known that by such an accident as that, they have been put to very great streights ; how much more would it be if an enemy should come with a superior strength of shipping, who as I have hinted above may easily come into that Harbour in despight of the Fort and town and everything else in a very little time without the enemies having occasion to fire a gun at it. For these reasons in my opinion it is by no means advisable to resettle that place. There is indeed another consideration, but I'le only hint at it, for hope in God it's a very remote one, that is, if another earthquake should happen, I am afraid that a very little one would cover it and all the inhabitants and their riches with the sea, it being as I have said above made land and a sandy foundation and not above two or three foot from the water in any part of it, and ye sea only off from it by fencing. Kingston, which is now judged by the Governour, Councill and Assembly the most commodious place of that Island for the seat of trade, is situated in the strongest precinct near the seaside called Liguanće, and hath one of the best and largest harbours in the world adjoyning to it, and that harbour may be well secured by a fortification on Musket Point, or on a hard shoale called the Middle Ground on the south side of the Channell up into the harbour, and scarce covered with water, and large enough (as I have been credibly informed) to contain a sufficient fortification; and these or either of them will command the channell. This channell is about a mile and a half long and very narrow, yet room and depth of water enough for the largest ship in the world; ships that go through it must come to an anchor in the midst of it, and lye till the next morning for a land wind to carry them up or they must turn it through in the wind's eye, and but one ship can pass at once, which makes the passage for an enemy so difficult, that if it was secured by fortifications as above, it is impossible for any ship to get through; they must either sink or put her ashoar, and when that is done there will scarce be room for another to pass by her. At Kingston they have the weather gage of the enemy's ships to run upon them with fire ships, or it is but sinking a ship or two in the narrowest part of the channell and then their way is infalibly stop'd, nor can they there be surprized by a fleet, so will have time enough after they appear in sight to stop up their passage. To summ up all, Admirall Benbow has often told me that this harbour of Kingston might be made one of the safest in the world. At Port Royal it is otherways, for a Fleet with a strong gale of wind can be upon them within three or four houres after they first appear in sight of it. Kingston can securely be releived and succoured from all or most parts of the rest of the Island with men and provisions; nor can it be bombarded from the sea, nor can it without a great deale of difficulty be attacked from the land, by reason of the narrow passes into the settlement of Liguanée, which may easily and with a small charge be secured, there being but three passes by which an enemy can pretend to attempt to enter, the cheif (which lyes about four miles to windward of Kingston and is the way Monsr. Du Cass in the year 1694 designed to have forced his way into Liguanée, but found it too difficult) is well secured by a small Fort of tenn guns and a strong wall up from the sea to the foot of the mountain. I had the honour to wait upon Brigadeer Selwyn when he went to view that pass, and I heard him then say that one hundred resolute men were enough to defend it against 5,000. Port Royal, if the enemy be masters at sea, may be taken or blown in peices by their shipping without their being obliged to land a man, but Kingston cannot be attacked by ships of warr if any care be taken to secure the channell. When the seate of trade is on the mainland the merchants and other trading people will each of them that are able keep one or more horses according to their abilities, which in a hott climate and where the enemy cannot bring any number of horse must be of excellent service and add very considerably to the strength and defence of the Island. That the channell that leads into Kingston Harbour is safe and commodious is demonstrable by Admirall Benbow's sending up all H.M. ships into that Harbour to careen, and ordering all the ships to goe and water at a place called the Rock Spring about three miles to windward of the town, where there is so very great plenty of good water that they could water their ships in a little time, and have offt heard the Admirall say it was extraordinary good. The town of Kingston is seated on a fine rising peice of gravelly land and is so well watr'd, that everyone may have a well of fresh water in his yard. The Settlement of Liguanée adjacent is reckoned the pleasantest, plentifullest and healthyest precinct in yt. Island. Admiral Benbow was so well satisfyed with the situation and healthfullness of Kingston that he ordered H.M. Hospitall to be erected in that parish. Thus may it please your Honrs. according to the best of my judgement and knowledge, I have truly represented the great hazards and inconveniences of the one Settlement, and the great safety and convenience of the other, but large maps or draughts before you, together with persons experienced in the navigation of those parts will best make appear to you the truth of my assertions. I know that some of my very good friends and acquaintance will say yt. my having a house and storehouses at Kingston has made me partial in favour of that place. I will hope that their ground rents has not made them partial to the other. But in truth my Lords that is not my case, my brothers and myself settled that factory at Kingston just after the earthquake at Jamaica in 1692. It was not a hasty act, but upon the best reflections and reasonings we were capable of ; our trade has now been managed there these ten years, and thank God with no bad success, and if we live to trade 20 or 30 years longer we shall not remove. If we have the company of the Port Royall Merchants, we shall be well pleased with it, if not we can live as we doe, and be well contented without, nay, perhaps as to our private fortunes it may be better for us. That what I have said here is not with any designe to promote our perticular, but the general good and safety of us all, and in that general good and safety, I have a concern, and 'tis upon that account only that I have presumed to give your honours this trouble. *Signed*, Josiah Heathcote. *Endorsed*, Recd. Read April 26, 1703. 4½ *pp.* [*C.O.* 138, 10. *pp.* 439–450 ; *and* 137, 5. *No.* 103.]

April 26. **618.** Sir B. Gracedieu and others to the Council of Trade and Plantations. Whereas there hath been transmitted to your Lordships from Jamaica an Act to prevent the resettling Port Royal, and whereas your Lordships have desired the persons concerned in said Island to lay before you in writing there opinion thereof. We are humbly of opinion that if said Act pass the royal assent, it will highly endanger that H.M. Island, by exposing the fortifications of Port Royal to the surprize of the enemy, by causing the seafaring men to desert the Island, and laying trade under great inconveniencys and discouragements, for which opinion we pray leave to give these reasons. We are humbly of opinion that it is absolutely needfull for preserving that Island to support and maintain H.M. Forts at Port Royal, and that this cannot be done (with[out ?] a very great charge to

H.M.) any other way but by suffering inhabitants to resettle on Port Royal, where they are at all times ready in a quarter of an hour to appear at arms and enter the Fort for the deffence of it and their own estates. Kingston, the place proposed for a Settlement exclusive of Port Royal, lyeth about five miles farther up in the same Harbour, but it usually requires two or three days for a ship to get thither and thence, and when there are so much exposed to the sea breezes, that they some days can't work at all, in dischargeing and lading, and at best but one half or one third of the day, whereas at Port Royal ships may commodiously load and unload any time of the day. And whereas after the late earthquake some persons (whose estates being contiguous to Kingston and therefore to persue their interest) did with utmost vigour promote a Settlement of inhabitants and trade at Kingston, and proceeded so far as to procure the building many large and good houses and convenient warehouses, wharfs etc., where many considerable traders being fixed never intended to return to Port Royal again, yet it soon appeared that the convenient situation and safety of the latter, and some inconveniences in the former prevailed on the people to desert or pull down their new houses and return to Port Royal, where they have with much satisfaction remain'd till the late fire, and very many of them in their letters to their friends complaine yt. they are prohibitted and debarr'd from resettling in their late habitations and places of aboad and trade. And that this is self evident, appears from their remaining on board ships in Port Royal Harbour, till they can get some little houses run upon Port Royal, for them to subsist in where there were (as we are advised) about sixty houses built the 14th February before the *Bristoll* came away, and many more hastning up with utmost speed and expedition, and all this notwithstanding they are by this hasty law there prohibitted meat, drink and other necessarys of life, yet they hoping for speedy releif from H.M. more gracious and compassionate resolves in their favour here, are busily employed in rebuilding houses for their subsistence. The Act seems to suggest that H.M. Forts were in danger by the fire, which is true, and what all fortifications are lyable to in any other place as well as Port Royal; nor was the difficulty of quenching the fire at Port Royall so great as suggested, for that it was brought under, and almost extinguished with little damage done, when the cry of much powder in the warehouses (tho altogether false) terrifyed the people, and by that unhappy or ill designed accident ruined the town. It's objected by some gentlemen, friends to the Settlement at Kingston and desertion of Port Royall, that the latter is too small for the trade, but it hath by many years' experience been found large enough, and every way commodious for the Imports and Exports of the place, but if that objection hath any weight, lett it serve as far as 'twill, and let the traders be at least at liberty to build their houses and venture their lives and goods at such places as they think most conducive to the safety of their health and the security of their trade. It's further objected that the Forts may be removed to Musquito Point, which must be at a vast charge to H.M. if practicable, but a person now here, and once employed by the Government there to view and examine that place, found it all quick-sand and morass by running a pike up to the head, and therefore reported it not capable of a foundation, and we are of opinion that point of land being all very low and morass, will be unhealthy and destructive to the inhabitants, nor can a fortress at Musquito Point secure a major part of the harbour, but will leave the entry open for an enemy to land at Salt Pond Hill, and so ravish Spanish Town (the seat of Government) and usuall place of the Governours Residence, and all the parish of St. Katherines and St. Dorothys, without any possibility of releif from the Forts at Musquito Point or Kingston. Wherefore may it please your Honours we are for these and many other reasons humbly of opinion that it's highly for the interest and security of H.M. Island of Jamaica and Government there, and for the releif and support of many her distressed subjects, that such persons as are willing and able, may resettle on Port Royall with such immunities and priviledges as are common to the rest of their fellow subjects and they enjoyed before. Wherefore we do as well on our own behalfs as at the request and on the behalfs of many our distressed friends there, humbly pray your Honours so to represent the depending law to H.M. as that they and we may be speedily eased of the heavy inconveniences which will fall on us if H.M. be not graciously pleased as soon as to H.M. shall seem fitt to declare her royal dislike of that Act. *Signed*, Bartho. Gracedieu, William Cowad, Samuel Jones, John Baker, Robt. Wilsonn, Law. Prince, Hen. Cliffe, Joshua Smith (for John Smith and Habrishus Smith), John Rose, Edwd. Bradford, He. Mason, Francis Rogers, Phillip Rainy, Caleb Dickinson, Patt. Trehee, Gervase Brough, E. Hall, H. Smith, Hen. Sherwin, Benj. Way, Rd. Harris, Richd. Chitty, Seger Walter, Charles Kent, James Whitchurch, senr., David Jeffreys, Matthew Plowman, T. Wash, John Parke, Peter Paggen, Wm. Walty, Antho. Major. *Endorsed*, Recd, Read April 26, 1703. 2 *pp.* [*C.O.* 137, 5. *No.* 102 ; *and* 137, 45. *No.* 44 ; *and* 138, 10. *pp.* 451–457.]

April 26. Whitehall. **619.** Journal of Council of Trade and Plantations. Sir Bartholomew Gracedieu and Mr. Way, with divers other Gentlemen concerned in the Island and Trade of Jamaica, presented to the Board a Memorial setting forth reasons against the late Act to prevent the resetling of Port Royal, which was read. Memorial from Josiah Heathcote, containing reasons for the confirmation of the above Act, read. After which the Gentlemen now present offered some answers to Mr. Heathcote's allegations ; they denied that Port Royal did sink by the Earthquake, and affirmed that more houses in proportion withstood the shock of the Earthquake at Port Royal than in any other part of the Island. They said that Kingston is a sickly place, adding the reason, because of the low ground and morasses that lye about it. They said that Port Royal is more commodious

1703.

than Kingston for shipping and trade, and that if it were not resettled it might be apprehended that the seamen would desert the Island. In answer to Mr. Heathcote's saying that it contains but 25 acres of ground, they affirmed that it contains 40. And they further offer'd, if it were desired from them, to answer all his arguments particularly in writing. After which, these Gentlemen being withdrawn, their Lordships gave directions for preparing a Representation to be made to H.M. upon this matter, and a letter to the Earl of Nottingham, wherein to enclose the same; as likewise a letter to Col. Handasyd.

April 27. Above Representation and letter signed.

Order of Council, April 24, relating to Newfoundland, read. Directions thereupon given for preparing a letter to Governor Dudley.

Order of Council, April 17, upon Governor's salaries *etc.* read.

Order of Council, April 17, upon the wast lands of New Hampshire read.

April 28. Draughts of several letters to Governors of Plantations were agreed upon and ordered to be transcribed. [*C.O.* 391, 16. *pp.* 89–92; *and* 391, 97. *pp.* 325–333.]

April 26. **620.** Journal of House of Representatives of New York. Ordered that William Anderson, Clerk to the Commissioners appointed to examine the Public Accounts, do lay before this House the annual Customs that have been paid into H.M. Custom House for lead, powder and guns transported up Hudson's River for 1700, and 1701.

Leave given for bringing in a Bill for the punishment of officers extorting fees above what is provided in the late regulation of fees.

H.E.'s Speech further considered.

April 27. Petition of Johannes Van Vechta, Baarent Staats and others was read, complaining of the hardships on vessels that trade up Hudson's River to and from New York and Albany. Ordered that it lie on the table until the accounts of the customs ordered yesterday be laid before the House.

Bill to enable the French Protestant Church *etc.* was read a third time, passed and sent up.

Bill to prohibit the distilling of rum and burning of oyster shells within New York, read with amendments and passed.

Bill to impower Justices of the Peace and a Freeholder to hold a plea of debt or trespass of small value read the first time.

April 28. Customs account ordered above and petition presented yesterday considered. Bill ordered to be brought in according to the said petition.

Bill for the laying out, regulating, clearing and preserving publick common highways thro'out this Colony, was read the first and second time. [*C.O.* 5, 1185. *pp.* 35–38.]

April 27. Whitehall. **621.** Council of Trade and Plantations to the Earl of Nottingham. Enclosing Representation (*No.* 623) concerning Port Royal to be laid before H.M., on which we conceive it

1703.

necessary that Letters be writ by the packett-boat which is now departing. *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 *p*. [*C.O.* 137, 45. *No.* 47; *and* 138, 10. *p.* 460.]

April 27.
Office of Ordnance.

622. Board of Ordnance to the Queen. Enclosing estimate (5,568*l.* 1*s.* 6*d.*) of stores proposed for New York (April 2); and we are of opinion that these stores may be very necessary, and have no other objection against supplying the same, but for such extraordinary charges no provision is made by Parliament, and it has always been thought that the Plantations were to provide themselves at their own expence with what stores they had occasion for. And we must take this opportunity to inform your Majesty that from Jan. 1700 this office has sent to the several Plantations stores amounting to 19,021*l.* 10*s.* 10¼*d.* without receiving any payment, which has very much exhausted the stores, and run this office into a considerable debt, which is of ill consequence to your Majesty's service. As to the list of accoutrements waiting for the four companies in New Yorke, we humbly conceive they ought to be provided by the respective commanders, as is practis'd in all regiments. *Signed*, Granville, Wm. Bridges, Ja. Lowther, C. Musgrave. 1 *p.* *Annexed*,

622. i. Estimate of stores referred to in preceding. 2 *pp.* *The whole endorsed.* Recd. Read May 3, 1703. [*C.O.* 5, 1048. *Nos.* 54, 54.i.; *and* 5. 1119. *pp.* 479–482.]

April 27.
Whitehall.

623. Council of Trade and Plantations to the Queen. We have received an Act of Assembly from Collonel Handasyd, Your Majesties Lieutenant Governour of Jamaica, to prevent the resetling of Port Royal and for transferring the seat of Trade to Kingston, a place lying more within the land. We have likewise received the opinion of your Majesties Cheif Engineer in that Island for confirming the said Act; but the Act appearing to us to contain matter of the greatest consequence to your Majesties service, and the property and interest of your subjects in that Island, we have discoursed with the principle merchants and seafaring men concerned in that trade, most of whom declare their opinions against the said Act; and whereas on the other hand, we have not received a sufficient account from Collonel Handasyd of the motives which could oblige the Assembly to make so considerable a change, and of the manner in which this Act was past; we are humbly of opinion that your Majesty do not confirm the same, untill upon letters to be written to the Lieutenant Governour and Councill the whole matter may be reconsidered, and such alterations and amendments made in the Act, as shall be found requisite that it may be accordingly presented to your Majesty; the present Act being also lyable to objections, as being very imperfect and wanting form. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 2 *pp.* [*C.O.* 137, 45. *No.* 48; *and* 138, 10. *pp.* 458, 459.]

1703.

April 27 [?] (*written XVII*). **624.** Minutes of Council in Assembly of Jamaica. Petitions of the owners of the *Earl* galley fireship and of Dr. Harding, with some proposals relating to the Bath, were recommended to the Assembly. [*C.O.* 140, 6. *p.* 462.]

April 27. **625.** Minutes of Council of the Massachusetts Bay. H.E. communicated to the Council a letter from Mr. Penhallow of Piscataqua containing a journal of his and Mr. Atkinson's voyage to Penobscot, being sent by H.E.'s Order to inform the Indians as to his proceedings in the Chadwell affair (*see April* 5), wherewith the Indians seemed to be well pleased.

H.E. communicated to the Council a letter from Lt. Col. Tyng wherein he informes that the scouts lately sent up to Pennicooke give an accompt that Watanuman, the Sagamore, and his men are withdrawn; that there is no preparation for planting there this year. And one Sam, an[d] Indian of that company, in discourse at the Trading house at Wataanack, says that Watanuman and his men are removed to Paquasset, a place within two or three days journey of Quebec, that several French Indians were among them, that they had a full supply of ammunition and were determined to continue and plant there; that George, the other Pennicooke Sagamore, was among the French at Quebeck; and that Sam exprest himself with insolence and inclination to excite the Indians to a war.

500*l.*, voted March 10, paid to Thomas Brattle on account of the fortification of Castle Island.

23*l.* 12*s.* 1*d.* paid to Major Samuel Browne of Salem for the hire of his ketch *etc.* for transportation of soldiers to Salem and Casco Bay, Nov. last.

3*l.* 5*s.* paid to Thomas Dean of Salem for billeting soldiers in November last.

136*l.* paid to Thomas Fitch for 40 pair of large blankets and 40 beds and bolsters by him made for H.M. garrison at the Castle. [*C.O.* 5, 789. *pp.* 499–501.]

[April 29.] **626.** John Roope to the Council of Trade and Plantations. Enclosing account of further materials necessary for the boom for St. Johns Harbour. Total, 75*l.* 6*s.* I humbly desire that I may have an order to the Captain or Governor of the Forces at Newfoundland to give me 25 or 30 men according as I shall have occasion and as long as I shall need them for this service. *Signed*, John Roope. *Endorsed*, Recd. Read April 29. 1 *p.* [*C.O.* 194, 2. *No.* 117; *and* 195, 3. *pp.* 219, 220.]

April 29. Whitehall. **627.** Council of Trade and Plantations to Governor Dudley. We have lately received a letter from you dated Dec. 10. In answer to which, and to those already acknowledged, we send you here inclosed a copy of a representation which we have laid before H.M., with minutes of the orders that have been made thereupon for your information. As to New-Hampshire, Mr. Partridge's great trade (which is not consistant with the office of a Governour) and his neglect of sending home Acts and

1703.

other publick Proceedings as required by his Instructions, have (amongst other objections against his conduct) obliged H.M. to remove him from that Government, and to constitute Mr. Usher Lieut. Governor in his stead. We have omitted to mention in our Representation the desire of the Councill of New Hampshire about extending the liberty of cutting trees for private uses from 24 to 32 inches diameter. For we think that desire very unreasonable, and tending to the ruin of the woods, and to the depriving H.M. of trees fit for the service of her Royal Navy. You have here inclosed H.M. letter, relating to your salary, by which you will see the utmost that we have been able to do for you here. You must endeavour to procure the effect thereof: which we wish may prove answerable to your own desires. As for the regulation about presents, the same has been signifyed in like manner to the Governors of all H.M. other Plantations. You have likewise herewith another letter from H.M., relating to Mr. Allen's title to the waste lands in New Hampshire, which you are punctually to observe. We desire you to have a particular regard to the other letters relating to the administration of justice etc. in both your Governments, which you will also find here inclosed, and to give us an account accordingly. We suppose we shall by the next opportunity be able to give you a further account of the effect of our representation, which we hope will be to your satisfaction. *Signed*, Weymouth, Robt. Cecill. Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5. 911. *pp.* 18–20.]

April 29.
Whitehall.

628. Council of Trade and Plantations to the Queen. We humbly take leave to represent to your Majesty that George Larkin, Esq., was sent by his late Majesty with commissions under the Great Seal of England to the respective Governments in your Majesty's Plantations, as one of the Commissioners for putting in execution the late Act of Parliament *for the more effectual suppression of piracy* and with particular instructions to direct and methodize the proceedings of the Courts that should be held in the Plantations, pursuant to the said Act. That the said Larkin having accordingly executed his Commission in several of your Majesty's Colonies and being arrived at Bermuda where he also did the same; it has happened that upon some differences between him and Captain Bennett, your Majesty's Lieutenant Governour of the Bermuda Islands, he has divers times writ to us complaining of the said Bennett's proceedings in many particulars, and more especially in imprisoning him and detaining him, by denying him a tickett for leave to depart those Islands, without showing any just cause for his so doing. Upon which we humbly report that whatever may have been the rise and progress of those difficulties (as to which we are not yet so fully instructed as might be requisite) we are however humbly of opinion that Captain Bennett ought not to have proceeded to that extremity of imprisoning a person imployed on so important a Commission unless for a capital crime or signal breach of the peace, but that he should have transmitted hither the cause of his dissatisfaction, to have been laid before your Majesty for your royal pleasure therein. And having accordingly wrote to Captain Bennett what we conceive to have been his duty, but being doubtfull whether our letters may have reached his hands, we humbly offer that your Majesty would be pleased to order him forthwith to discharge the said Larkin, and to permit him to repaire to Jamaica, where the further execution of his Commission may call him, or to the Leeward Islands, where your Majesty has been pleased to constitute him Secretary, or where-ever else your Majesty's service may require his presence; as likewise to direct that the said Captain Bennett do transmit an account of his proceedings in relation to the said Larkin, to be laid before your Majesty in order to your Majesty's pleasure, and that for the future he abstains from such violent and arbitrary proceedings towards your Majesty's subjects, which directions in this case we humbly conceive to be of such importance as to deserve that some particular orders be given for the more certain conveyance thereof (by an advice boat or otherwise) to the Bermuda Islands. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 38, 5. *pp.* 376–378.]

April 29. Whitehall. **629.** Council of Trade and Plantations to Governor Lord Cornbury. We send your Lordship here inclosed a duplicate of our last dated the 7th instant, since when we have not received any from you. We have been directed to prepare the letters for H.M. royal signature, which are to be writ to several Plantations relating to the Quota to be furnished by them for the assistance of New Yorke, which will be transmitted to your Lordship by the next conveyance. We are expecting from your Lordship an answer upon our directions for your examining the several Acts of Assembly, the Titles whereof were transmitted to your Lordship by us Jan. 26 last, that we may thereby be fully enabled to determine our opinion to H.M. upon those Acts. You will observe that some of them require a very particular answer vizt. as to the *Act for preventing vexatious Suits and settling and quieting the minds of H.M. peaceable subjects, etc.* Your Lordship will please to inform us what cases there are which may require redress, and how circumstantiated, and what suits are commenced in New Yorke upon any cases whereunto this Act relates, since the passing of the *repealing Act* in November, 1702. And in relation to the *Act for vacating, breaking and annulling several extravagant Grants made by Coll. Fletcher*, etc., we desire to have the particular opinion of your Lordship and the Council upon each of the several Grants thereby intended to be vacated. You receive here inclosed H.M. letters for augmenting your Lordship's salary in New Yorke, and for settling a salary in New Jersey, as likewise for prohibiting presents to be made to Governours of Plantations by Assemblies; which regulation against presents has been signifyed in like manner to the Governours of all H.M. Plantations and is to be observed. We doubt not but your Lordship will have a particular regard to the letters relating to

1703.

the administration of Justice etc. in both your Governments, which you will also find here inclosed, and return us an account of that matter accordingly. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1119. *pp.* 476–478.]

April 29. Whitehall. **630.** Council of Trade and Plantations to Lt. Governor Bennett. We have not received any letter from you since our last of the 2d and 25th of March, whereof you have a duplicate here inclosed. You will herewith receive a letter from H.M. acquainting you with the directions she has been pleased to give for the augmentation of your salary, and the regulation she has thought fit to make (as in other Plantations) for preventing presents to Governours from Assemblies, which you are punctually to observe. You are likewise to have a particular regard to what we have writ you in the inclosed letter relating to the administration of justice etc. and to give us an account of that matter accordingly. We cannot conclude without further taking notice of your extraordinary and undue proceedings against Mr. Larkin, whom H.M. in pursuance of an Act of Parliament was pleased to intrust with Commissions to the severall Plantations for the better suppressing of pirates, and whom you ought not to have stopt for less than a capital crime or notorious practice against the Crown. And therefore we do exhort and admonish you to give him (if the same be not already done) not only leave to depart, but all necessary conveniences for his proceeding upon H.M. service; he being likewise a person of whom H.M. has so good an opinion as to have confer'd on him the office of Secretary of the Leeward Islands. And we will not doubt of your punctual compliance with this our direction, as you will answer the contrary. *Signed*. Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 38, 5. *pp.* 374, 375.]

April 29. Whitehall. **631.** Council of Trade and Plantations to Lt. Governor Handasyd. We have received your letter of the 9th of February, with an Act of Assembly to prevent the resetling of Port Royal. We take this to be a matter of the highest consequence, and had therefore reason to expect that the Act should have been accompanyed with a full account of the reasons upon which and the manner in which this Act passed, together with a full deduction of your own sense thereon. Whereas you only refer us to what Mr. Lilly had written to us upon that subject some time before. In relation to this matter we have been attended by the Merchants principally concerned in Jamaica, and send you here inclosed copies of the reasons by which they sustain their different opinions upon the Act, which we desire you to communicate to the Councill, that these arguments being impartially considered together with such reasons as may be alledged either for resettling at Port Royall or going over to Kingston, you may upon the whole propose to the Assembly the passing such an Act as may most conduce to H.M. service and the security and interest of the Island. As to the form of this Act we cannot but observe that it is notoriously imperfect. The first clause begins with, *Be it further enacted by the authority aforesaid*, whereas there is neither anything enacted before which might occasion the word further, nor is any authority mentioned which does enact what follows; so that it not appearing either where, by whom or by what authority that Act was past, it seems to be an insignificant writing of no value. The stile of the Act is broken and not intelligible, it bears no date marking either the day when it was past, or when the Assembly, wherein it past, was held, which last defect we have also some times observed in former Acts of Jamaica, and admonish you upon this occasion to direct the proper officer to take care that in all Acts for the future not only the date of the Session of Assembly, but also the time when each particular Act was past be exprest before you pass the same. We presume there were severall other Acts past in the same Assembly, which you ought to have sent over at the same time. And we are obliged further to observe to you that several considerable matters have been transacted in those parts of which we might reasonably have expected particular accounts from you. Here inclosed you have a letter from H.M. acquainting you with what she has been pleased to order for establishing the salaries of the Governour and Lieut. Governour of Jamaica, as likewise for prohibiting presents to be made to Governors of Plantations by Assemblys, which regulation against presents has been signifyed in like manner to the Governors of all H.M. other Plantations, and is to be observed. We desire you to have also a particular regard to what we have writ you in another inclosed letter relating to the administration of justice etc. and to give us an account accordingly. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *pp.* 461–464.]

April 29. Whitehall. **632.** William Popple to Mr. Larkin. The Council of Trade and Plantations have received your letter of Nov. 9, upon which they have again this day wrote to Capt. Bennett in the terms you will find here inclosed, and are further taking such care for your discharge from the restraint laid upon you in the Bermuda Island as will certainly be effectual. [*C.O.* 38, 5. *p.* 376.]

April 29. Whitehall. **633.** Council of Trade and Plantations to Governor Nicholson. We have not received any letter from you since our postscript of the 25th of [to *No.* 249]. *Enclose* H.M. Letter as to Governors' presents. We desire you to have a particular regard to what we have writ you in the enclosed letter relating to the administration of Justice, and to give us an account of that matter accordingly. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 1360. *p.* 367.]

1703.
April 29.
Whitehall.

634. Council of Trade and Plantations to Governor Sir Bevill Granville. We have not yet received any letter from you. Here inclosed we send you one from H.M. acquainting you with what she has been pleased to order for augmenting your salary, as likewise for prohibiting presents to be made to Governours of Plantations by Assemblies; which regulation against presents has been signified in the like manner to the Governours of all H.M. Plantations, and is to be punctually observed. We desire you to have a particular regard to what we have writ you in the inclosed letter relating to the administration of justice etc., and to give us an account of that matter accordingly. *Signed*. Weymouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior.

P.S.—We desire your care in sending forwards the inclosed letters to Bermuda by the first opportunity, *etc.* [*C.O.* 29, 8. *pp.* 302, 303.]

April 29.
Whitehall.

635. Council of Trade and Plantations to Governor Codrington. We have not received any prior letter from you since ours of the 18th of the last month, whereof you have here enclosed a duplicate. We further herewith send you H.M. Order in Council of March 20th for repealing two Acts, vizt., one intituled *An Act for the better observation of the Lord's Day and suppressing of prophane cursing and swearing*, and another intituled *an Act for the better and more certain support of Ministers*, which Order you will take care may be published and registred accordingly. We likewise send you the copy of our Representation and of that part of Mr. Attorney General's Report to us upon the Acts of the General Assembly, which relates particularly to these two, that you may thereby perceive the reasons of their repeal. And we likewise send you a copy of the case of Daniel Mackenin, a Protestant inhabitant of the Island of Antego, in opposition to the said Act, which we desire you to examine that if the said Act be not injurious to his or other private property and if the forementioned defect or mistake be in the original (as it is in that which lies before us) you may endeavour to get the same rectifyed by a new Act whereby this may be repealed; and that the said new Act so rectifyed may be transmitted to us. Upon this occasion we think it necessary to direct that you (as the Governours of all H.M. other Plantations) in transmitting Acts of the Assemblies do constantly give us your own opinion upon each Act together with a short view of the opposition and objections made against it (if there were any) and the reasons which determined you to assent. You have here inclosed a letter from H.M. acquainting you with what she has been pleased to order for augmenting your salary and establishing salaries for the Lieutenant Governours of the several Islands under your Government as likewise for prohibiting presents to be made to Governours of Plantations by Assemblies, which regulation against presents has been signifyed in like manner to the Governours of all H.M. Plantations, and is to be punctually observed. We do not doubt but that you will also have a particular regard

1703.

to what we have writ you in another inclosed letter relating to the administration of justice, and give us an account accordingly. *Signed*, Weymouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 153, 8. *pp.* 165–168.]

April 29. Whitehall. **636.** Council of Trade and Plantations to the Earl of Nottingham. We have proceeded in the further consideration of what is requisite for making and fixing the Boom cross the harbour of St. Johns in Newfoundland, which we judge to be of very great importance for the preservation of that country, and the shipping that have their retreat in that harbour. And do find it necessary for H.M. service that the person who has proposed the scheme for effecting this work (appearing to us to be very intelligent and capable) be sent thither by the present convoy for the more certain and speedy performance thereof. And whereas the additional charge of his attendance with the necessary materials he proposes to carry with him will amount to the summe of 75*l.* 6*s.*, according to the memorial hereunto annexed, we pray your Lordship to receive H.M. directions therein, that the money requisite for this whole service may be advanced before the departure of the convoy. *Signed*, Weymouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 195, 3. *pp.* 220, 221.]

April 29. Whitehall. **637.** Journal of Council of Trade and Plantations. Letters to several Governors signed.

Ordered that the Secretary write to Mr. Larkin, and send him an extract of their Lordships' letter to the Governor of Bermuda which concerns himself.

Memorial from John Roop read. Letter thereupon writ to the Earl of Nottingham inclosing a copy thereof.

Representation to H.M. relating to Mr. Larkin signed.

April 30. Ordered that the Secretary write to Mr. Champante for a state of all Bills drawn by Lord Bellomont and Capt. Nanfan *etc.*

Ordered that the Secretary acquaint Mr. Wharton that their Lordships desire to speak with the Undertakers for importing Naval Stores on Wednesday.

Order of Council, April 24, read. Draught of a Commission for Lieutenant-Governor Usher agreed upon accordingly, and a Representation signed wherewith to lay the same before H.M. [*C.O.* 391, 16. *pp.* 92-95; *and* 391, 97. *pp.* 337-344.]

April 29. **638.** Minutes of Council in Assembly of Jamaica. A Bill appointing Commissioners to enquire into the execution of several Acts made for raising money on the inhabitants of Port Royal; and a Bill for making good and valid the last will and testament of Anthony Wood, late of Port Royal, sent up.

Ordered that Col. Knight be sent for by the Clerk of the Council. [*C.O.* 140, 6. *p.* 462.]

1703.
April 29. **639.** Journal of House of Representatives of New York. Committee appointed to consider the Clause in the Militia Act referred to in the speech of H.E.

Petition of Jeremiah Tothill, John Corbet and John Theobalds in behalf of themselves and many of the inhabitants of this Province, complaining of sundry Dutch and foreign customs used in this Province in conveying estates of inheritance, and praying leave to bring in a bill for the quieting them in their estates of inheritance, was granted. The Bill was brought in and read a first time.

Bill for prohibiting the distilling of rum and burning of oyster-shells within New York *etc.* was read the third time, passed and sent up.

Committee on the Militia Act made their report, and a Bill was ordered to be brought in accordingly, providing that instead of the Captain's prosecuting a defaulter at a Court of Common Pleas, he have power to carry any person detacht for the frontiers out of the Militia before any three Justices of the Peace, who shall be empowered to fine the person or persons so convicted 6*l.* to be levied on his goods and chattels.

April 30. Bill to empower Justices of the Peace to hold pleas of debt and trespass of small value was read a second time.

A motion being made, whether a clause be added to the Bill for the better regulating the payment of the Quit-Rents in the several towns, it was carried in the negative, and the Bill was ordered to be engrossed.

Ordered that a clause be inserted in the Bill to explain the Act for defraying the Public Charge, providing for the better regulating the payment of the Quit-rents in the several towns in this Colony.

Highway bill read a second time, and committed.

Bill concerning the vessels trading up Hudson's River was read the first time. [*C.O.* 5, 1185. *pp.* 38-41.]

April 30.
Whitehall. **640.** Council of Trade and Plantations to the Queen. *Enclosing* draught of Commission for John Usher to be Lieutenant Governor of New Hampshire. *Signed,* Weymouth, Dartmouth, Robt. Cecill, Wm. Blathwayt, Mat. Prior. *Annexed,*

640. i. Draught of Commission of Lieutenant-Governor Usher. "In case of the death or absence of Joseph Dudley, we do hereby authorize and empower you to execute and perform all and singular the powers and directions contained in our Commission to him" as Captain General and Governor in Chief, *etc.* [*C.O.* 5, 911. *pp.* 23-26.]

April 30.
Admiralty Office. **641.** H.R.H. the Lord High Admiral to the Queen. Upon H.M. Order in Council of April 24, referring for my opinion the Representation of April 23, I report that the season of the year is now too far advanced to admit of the sending a fourth-rate ship so as to be timely at New England to enable her to doe service, for that the ships are of soe little use there in the winter, that there is always a necessity to send them to Saltatudoes. But

I am of opinion that it may be for H.M. service to send such a ship thither, so as she may arrive by next spring. *Signed*, George. *Endorsed*, Recd. Read May 3, 1703. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 863. *No.* 25; and 5, 911. *pp.* 31, 32.]

April 30.
Whitehall.
642. William Popple to John Champante. The Council of Trade and Plantations desire you to lay before them for their information a particular state of what Bills were drawn by the Lord Bellomont and Capt. Nanfan during their respective administration of the government of New York, expressing upon what persons and for what uses each of the said Bills were so drawn, and which of them have been paid and remain yet unpaid. [*C.O.* 5, 1119. *pp.* 478, 479.]

April [?].
Philadelphia.
643. Col. Quary to the Vice-Admiral of H.M. Fleet in Jamaica. Enclosing copy of H.M. order to him for providing provisions and shipping there to the Agent of the Victualling Office in Jamaica. I can supply you with what quantity of provision you please to order etc. *Signed*, Robt. Quary. *Copy.* 1 *p.* [*C.O.* 5, 1233. *No.* 42.]

April [?].
Philadelphia.
644. Col. Quary to the Agent of the Victualling Office in Jamaica. *Enclosing copy* of H.M. Order to him for providing provisions *as above etc.* *Signed*, Robt. Quary. *Copy.* $3\frac{1}{2}$ *pp.* [*C.O.* 5, 1233. *No.* 43.]

April [?].
Philadelphia.
645. Col. Quary to [? *the Earl of Nottingham*]. I have shipped all the provisions which I purchased here in pursuance of H.M. Orders. The vessels have stayed some time for the convoy H.M.S. *Jersey*, who sailed hence with the four vessels. His orders is to touch at South Carolina, and there take under convoy the provisions that I ordered to be bought there on H.M. account, wch. have been shipped near three months. . . . I hope H.M. stores [*at Port Royal*] have scaped, but for fear they should not I have writ to the Vice-Admiral and to the Agent of the Victualling Office that I can supply 2,000 hhd. of bread and other provisions on very short notice, provided that they do take care to send vessels for it, there being none to be had either here or in New Yorke. The bread and flower of this place exceeds any on the main and sells at any markett for 3 per cwt. more than any other. . . . For bread, flower, rice, porke and pease no part of England can afford better than can be furnished from these parts, but for beefe we cannot compare with England. It will do very well for present spending, so that it be not kept in the salt more than six months . . *etc.* I am very willing to undertake the furnishing H.M. with all sorts of provisions upon more easy terms than any man in America *etc.* *Signed*, Robt. Quary. *Endorsed*, R. July. 3 *pp.* [*C.O.* 5, 1233. *No.* 44.]

April 30.
May 10.
Fort
Kijkoveral,
Rio Essequebo.
646. Commandant Samuel Beeckman to the Directors of the Dutch West India Company. *Signed* Samuel Beeckman. *Dutch.* $8\frac{1}{4}$ *pp.* *Enclosed*,

646. i. Account of the disposal of the slaves arrived $\frac{5}{16}$ April, 1703. *Dutch.* 3 *pp.*

1703.

646. ii. Bill of Lading of the *Abrahams Ostergande* homeward bound. *Dutch.* 1 *p.*

646. iii. Bill of lading of the *De Jonge Jan* homeward bound. *Dutch.* 3½ *pp.*

646. iv. Muster-roll of all the free men in the Colony of Essequebo. 2¾ *pp.*

646. v. Clearing of the *Abrahams Ostergande* from Essequebo to Middelburgh. *Signed*, Christian Brant, Master. *Dutch. Printed form.* 1 *p.*

646. vi. Demand from the Company's Plantations for sundry provisions, servants' pay, slaves and goods required. *Dutch.* 4 *pp.*

646. vii. Clearing of the *De Jonge Jan* from Rio Essequebo to Middelburgh. June $\frac{1}{12}$, 1703. *Dutch. Partly printed form.* 1 *p.*

646. viii. List of the artisans and soldiers needed by the Colony of Essequebo. *Dutch.* 1 *p.*

646. ix. Copy of the Minutes of Council, Fort Kijkoveral, Oct. 2 (N.S.), 1702. *Dutch.* 2 *pp.*

646. x. Copy of the Minutes of Council, Jan. 1 (N.S.), 1703, Fort Kijkoveral. *Dutch.* 2½ *pp.*

646. xi. List of medicines needed for Rio Essequebo. *Dutch.* 2 *pp.* [*C.O.* 116, 19. *Nos.* 17, 17.i.–xi.]

May 1.
St. James's.

647. Order of Queen in Council. Upon reading this day at the Board a report from the Board of Ordnance with an estimate of stores proposed to be sent to New Yorke, and notice being thereupon taken of the great sums that have been lately expended for stores of war to be sent to the Plantations, Ordered that the said report and estimate be sent to the Rt. Hon. the Earl of Nottingham, H.M. Principal Secretary of State, to be layd before H.M. at a fitting opportunity to consider of the proper method of defraying the great charge of the said stores of war and of stores of war to be sent as occasion shall require to other H.M. Plantations in America. *Signed*, John Povey. *Endorsed*, Recd. 2nd, Read July 6, 1703. 1 *p.* *Enclosed.*

647. i. Report and Estimate of the Board of Ordnance, referred to in preceding. *See* April 27. 3 *pp.* [*C.O.* 5, 1084. *Nos.* 17, 17.i. ; *and* (*without enclosure*) 5, 1048. *No.* 55 ; *and* 5, 1119. *p.* 488.]

May 1.
St. James's.

648. Order of Queen in Council. Upon reading this day at the Board a memorial from H.R.H. the Lord High Admiral, April 30, relating to the sending a fourth-rate ship this year for H.M. service to the Provinces of the Massachusetts Bay and New Hampshire to be added to a fifth-rate ship now attending H.M. service in those parts, Ordered that H.R.H. give all necessary directions for the sending of a fourth-rate ship against the next spring to New England accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read May 11, 1703. ¾ *p.* [*C.O.* 5, 863. *No.* 27 ; *and* 5, 911. *pp.* 40, 41.]

1703.
May 1.
St. James's.

649. Order of Queen in Council Referring enclosed petition to the Council of Trade and Plantations for their report. In the meantime the Commission to Mr. Usher to be L.G. of New Hampshire not to pass. *Signed*, John Povey. *Endorsed.* Recd. Read May 1, 1703. 1 *p.* *Enclosed*,

649. i. Major Wm. Vaughan to the Queen in Council. Samuel Allen claims all or the greatest part of the land in New Hampshire by a title derived from one John Mason, and has commenced several suits against petitioner and other inhabitants to recover their estates, which their ancestors have possessed for above 60 years. He claims as wast ground great quantities of land which have always been enjoyed by the inhabitants as common to their tenements. The suits commenced by Mr. Allen have been managed by John Usher, who after the death of Mr. Allen will in right of his wife be intituled to part of his estate. Mr. Usher by his mismanagement when he was L.G., and by several misdemeanours committed by him (which petitioner is ready to lay before your Majesty) forced several of the principal inhabitants to leave the Province, and thereby, and by the prosecution of the suits beforementioned, hath extreamly disgusted all the inhabitants of that Province, and rendred himself very unacceptable to them. Petitioner prays H.M. to stop the patent constituting Mr. Usher L.G. of New Hampshire till petitioner be heard by his Counsel before H.M. *Copy.* 1¾ *pp.* [*C.O.* 5, 863. 26. 26.i.; *and* 5, 911. *pp.* 26-30.]

May 1.
St. James's.

650. Order of Queen in Council. Upon Representation of April 29, ordering the Council of Trade and Plantations to prepare the draught of a letter from H.M. to Governor Bennet to discharge Mr. Larkin and permit him to repair where H.M. service may require his presence, and such other directions as are proposed in the said Representation, and to present the same for H.M. approbation at this Board. H.R.H. to be desired to give the necessary directions for a speedy and certaine conveyance of the said letters to be sent from H.M. by an advice-boat in case no other opportunity do offer of one of H.M. frigats, or some other speedy conveyance for the same. *Signed*, John Povey. *Endorsed*, Recd. 4th, Read May 11, 1703. 1¼ *pp.* [*C.O.* 37, 4. No. 25; *and* 38, 5. *pp.* 379, 380.]

May 1.

651. Minutes of Council in Assembly of Jamaica. A Bill to continue in force an Act to continue H.M. soldiers in quarters; and a Bill to confirm an agreement between Olivia Reid, widow, and Nathaniel Browne and Anna Petronella, his wife, sent up.

Ordered that the Clerk of the Council write to all the Gentlemen of the Council now absent, except Col. Lowe now gone to the Bath for his health, that they fail not to be here at Council on Thursday morning by 9 o'clock. [*C.O.* 140, 6. *p.* 463.]

1703.
May 1.
Boston.

652. Minutes of Council of the Massachusetts Bay. Accompt of Daniel Peirce for vessels hire and men's wages to transport provisions from Newbury to Casco Bay in the winter past, for supply of the trade with the Eastern Indians, amounting to 32*l.* 18*s.* 6*d.* paid.

H.E. communicated to the Council a letter from Major March at Casco Bay, intimating the discourse he had with some of the Indians that were abused and plundered by Captain Chadwell and company about Naskeag, and that they were well satisfied that H.E. would order restitution to be made them, and to Paul Munier's wife, and that they did not desire any person should be put to death for the killing of Munier, but otherwise punished.

423*l.* 12*s.* paid to Major John March, Commander of H.M. Fort at Casco Bay for himself and company, July 22, 1702–March 22, 1703.

26*l.* 7*s.* 6*d.* paid to Timothy Wadworth, executor of Thomas Broughton, armourer at Casco Bay.

53*l.* paid to Timothy Wadsworth, gunsmith, for repairing and cleansing the public stores of arms May 7, 1702–May 1, 1703.

84*l.* 13*s.* 2*d.* paid to Capt. Southack, H.M.S. *Province* Gally, for wages for himself and company Dec. 16, 1702–April 15, 1703.

564*l.* 5*s.* 4*d.* paid to Andrew Belcher for provisions supplied for H.M. soldiers etc.

7*l.* 14*s.* 10*d.* paid to Penn Townsend, on behalf of himself and others, for wine *etc.* expended on the day of H.M. Coronation and at the arrival of the good news from Vigo.

24*l.* 1*s.* paid to Daniel Willard, keeper of H.M. prison in Boston, for keeping sundry French prisoners of war Nov. 17, 1702–Feb. 22, 1703, and for fireing for them.

10*l.* paid to Samuel Moody, Minister of York, and 20*l.* to Joseph Smith, Chaplain to the Garrison at Brookfield, as voted by the Assembly May 27, 1702. [*C.O.* 5,789. *pp.* 501–503.]

May 1.

653. Journal of the House of Representatives of New York. Bill for taking off the duties paid on goods carried up Hudson's River and setling an equivalent for the same, was read the second time and committed.

Bill to enable Justices of the Peace etc. read a third time and sent up. [*C.O.* 5, 1185. *p.* 42.]

May 3.
Whitehall.

654. Journal of Council of Trade and Plantations. Report of the Ordnance Board read, and a copy taken thereof.

Report of H.R.H. upon Col. Dudley's desire for a frigate, read and copy taken.

Order of Council, May 1st, read. Ordered that Mr. Vaughan be directed to lay before the Board in writing what he has to offer in confirmation of the allegations contained in his petition, and that he come prepared on Monday next with his Council learned (if he thinks fit) to make good the same.

Ordered that Mr. Usher have notice of this appointment, that he may come prepared in the same manner for his defence.

Their Lordships taking into consideration the state of the coin in the Plantations, in order to represent what may be proper to be done for the better settling thereof, ordered that a copy of an Act of the Massachusetts Bay, *for ascertaining the value of coines currant within this Province*, past 1697, and confirmed by the Lords Justices Nov. 24, 1698, be sent to Mr. Attorney General for his opinion whether H.M. may not by Proclamation alter the rates specifyed in that Act notwithstanding its having been so confirmed.

May 4. Letter from the Secretary to Mr. Attorney to this effect was approved of and sent.

Their Lordships taking into consideration the six Acts of Mountserrat, laid before them Jan. 29, the opinion of Mr. Attorney General upon the first, *for quieting men's estates etc.*, was read. Directions given for preparing a Representation upon the Acts. [*C.O.* 391, 16. *pp.* 96–99; *and* 391, 97. *pp.* 347–349.]

May 3. **655.** Journal of House of Representatives of New York. Ordered that the Committee on the Hudsons River Bill report to-morrow.

May 4 This Bill with amendments was read and agreed to.

Bill for regulating highways etc. was read with amendments and agreed to.

May 5. Bill for quieting the inhabitants in possession of their estates was read the second time and committed.

Commissioners of Public Accounts reported their progress in that matter. Their report was considered. [*C.O.* 5, 1185. *pp.* 42–44.]

May 4. Whitehall. **656.** William Popple to Sir Edward Northey. The Council of Trade and Plantations having under consideration the state of coin in H.M. Plantations, and how the current rate thereof may best be settled and reduced in all parts to a fitting equality, they have ordered me to send you the inclosed copy of an Act of the General Assembly of the Massachusetts Bay (which has been confirmed there) entituled *An Act for ascertaining the value of coins currant within this Province*, whereby it now appears that they have made the foreign species of coins currant at higher rates than in other Colonies, and thereupon do desire your opinion whether H.M. by her royal prerogative may alter by proclamation the rates of foreign coin in that Province (as well as in others) notwithstanding the said Act. *Signed*, Wm. Popple. 1 *p.* [*C.O.* 323, 5. *No.* 13; *and* 324, 8. *pp.* 247, 248.]

May 4. **657.** Minutes of Council in Assembly of Jamaica. Bill for continuing the quartering of the soldiers was read and rejected. The Governor acquainted the Board that on the last day, when the Act for quartering the soldiers expired, there came the said bill from the House to continue the same for a month longer without any regard to the officers at all, which he looked upon to be trifling and unnecessary delayes, and positively contrary to the vote of their House of April 21, and impracticable to lay

1703.

such a weight upon the Revenue as the maintenance of those in garrison and out of quarters. There being noe money, the Board unanimously advised his Honour to send for the House and to tell them that the Council unanimously rejects the present Bill for continuing the quartering of the soldiers, for it does not ease the country of their present burthen, nor take any care to reimburse the Treasury what it is out, which is so far exhosted that there is noe money left to subsist those in garrison and the sixteen out of quarters in town for one day, much less for a month. In which opinion the Governor concurred with the Council and therefore it was concluded to send for the Speaker and the whole House, and to command them to return to their House and desire them forthwith to goe upon a Bill for the effectual quartering and providing for H.M. officers and soldiers without permitting any other business to intervene.

May 5. The House was summoned and attending, the Governor instructed them *as above*. The House desired a free conference upon the Governor's Speech, which the Council refused as impracticable, but the Clerk of the Council had leave to tell the House that if they had any subject matter they desired the conference upon and would particularly name it, the Council was ready to meet them. [*C.O.* 140. 6. *pp.* 463–465.]

May 4. **658.** Minutes of Council of Maryland. The whole proceedings of the President and Council in relation to H.M. Advice-boat *Eagle* and Capt. Bostock were read and well approved of, and he being sailed with the vessel out of this Province without any orders from the Government, ordered that the whole proceedings be laid before the Council of Trade and Plantations, the Secretary of State and the Commissioners of the Admiralty, and that Major William Dent, Attorney General, prepare a letter for this Board to sign.

The Governor of Virginia being now here in town, resolved, that he be made acquainted with the proceedings of Capt. Bostock and advised with thereupon.

H.M. Order by the Lord Nottingham to assist the Agents of the Commissioners of the Victualling and the Captains of men of war, Oct. 20, 1702, now come to hand, was read.

At the request of the Governor of Virginia, ordered that the several Collectors do make up their accounts and swear to the same before the President.

Petition of Edward Pollard of Talbot County praying for H.M. pardon, he having been found guilty of manslaughter for unfortunately killing and shooting a man when really intended to shoot at a wood turkey, the said Pollard being a very poor man and not of the value of 10*l.*, ordered that a pardon be prepared accordingly.

Upon the petition of Richard Bennett praying the assignment of the bond of Thomas Staly, late High Sherrif of Baltemore County, from which he has a public claim, the bond was ordered to be assigned accordingly.

The Assembly was prorogued to June 5th.

Sherrifs Commissions renewed. Mr. Aquilapaca appointed Sheriff of Baltimore County and Roger Woolford, Sheriff of Dorchester County.

Came Pannquass, an Eastern Shore Indian at Nanticoke, and Commander there, and complained that his cabin had been broken open by a negro belonging either to Major Thomas Taylor of Dorchester County or Mr. Peter Taylor his son, from whence he had stole divers goods, which Panquass mentioned, part whereof were found upon him and were restored, the other having been made away with by the negro, for which he demanded 69 good drest deer-skins. But his complaint being considered, and he being offered 60 doe skins, says if they be good ones, he will be satisfied.. Ordered that Peter Taylor or Thomas Taylor pay the 60 drest doe skins to Panquass before Col. Thomas Ennals, who is to be judge of their worth, and is hereby ordered to punish the negro by whipping, otherwise in case of refusal, he is to commit the negro to gaol to be prosecuted in the Provincial Court for that offence. [*C.O.* 5, 745. *pp.* 27-29.]

May 5. Whitehall. **659.** William Popple to Josiah Burchet. The Council of Trade and Plantations desire you to acquaint them with the name of the Commodore intended this summer for Newfoundland, and about what time he will be ready to sail, that they may prepare such Instructions as may be necessary. [*C.O.* 195, 3. *p.* 222.]

May 5. Admiralty Office. **660.** Josiah Burchett to William Popple. *In reply to preceding*, the ship which next goes to Newfoundland is the *Centurion*, commanded by Capt. Herne, which will sayle the latter end of this, or the beginning of the next month; and as for such Instructions as their Lordships shall think convenient to send thither, it is necessary that they bee directed to the Commander in Chief of H.M. ships, and they may be left at or delivered to him by the Capt. of the *Centurion* upon her arrivall there. *Signed*, J. Burchett. *Endorsed*, Recd. Read, May 6, 1703. 1 *p.* [*C.O.* 194, 2. *No.* 118; *and* 195, 3. *pp.* 222, 223.]

May 5. **661.** Minutes of Council of Barbados. The President read two letters received from the Earl of Nottingham, dated Feb. 25 and March 20, two from the Council of Trade and Plantations, Jan. 26 and Feb. 23, together with a letter from Mr. Popple, March 23.

Ordered that a packet directed to the Governor of Bermuda be forwarded by a vessel now preparing to go thither.

The Hon. Charles Buckworth attended with several depositions he had taken relating to the complaint of Capt. William Pead, which were read and ordered to lie upon the table.

Petition of Capt. John Grezielleur read, setting forth that he arrived here about eight months since in his ship from Guinea; that soon after his arrival there was an information made against them that his ship was not manned with three fourths Englishmen according to the Acts of Trade and Navigation. Referred to Charles Buckworth to enquire into.

1703.

Edward Chilton, Attorney General, moved that noe privateers be admitted to goe out of this Island until they have given security to pay the Lord High Admiral's tenths of every prize they shall take, which was granted. Then he presented a Commission from England impowering Charles Thomas to receive the Lord High Admiral's tenths, and also a Commission from the Lord High Admiral appointing Capt. Charles Thomas, James Aynsworth and Thomas Stewart to be Commissioners to examine witnesses of all prizes brought in here by letters of marque; which the Board allowed.

Deposition of Manuel Manasses Gilligan read, setting forth that Charles Buckworth this day finisht certain depositions taken against him by order of this Board, which he had been denied all liberty of seeing, and praying liberty to cross-examine the witnesses and examine other witnesses on his behalf.

Petition of Capt. John Halsy and Capt. Wm. Pead read, praying that Gilligan may not be allowed to go off the Island, more especially since they have been informed by Governor Codrington that he is a very bitter enemy to the English, and so deemed (through all the West Indies) and further that 'twould be of great service to confine him during the time of warr. The matter was referred till next Tuesday. [*C.O.* 31, 8. *pp.* 21–25.]

May 6. Whitehall. **662.** Journal of Council of Trade and Plantations. Order of Council, April 3, read.

Letter from Mr. Burchet, May 5, read.

Draught of a Representation upon the Mountserrat Acts agreed upon.

Mr. Wharton and Mr. Bridger, in behalf of the undertakers for importing naval stores from New England, declared that unless their Lordships would depart from that clause in the draught of a Charter whereby they are restrained from alienating shares of their stock in five years, they should not be able to find subscribers, and therefore could not proceed in that undertaking. Whereupon they were directed to lay before the Board their reasons against the said clause in writing, and further to endeavor to procure a report from H.R.H. upon the Representation of March 4, that their Lordships may consider of a further Representation upon the whole matter.

May 7. Representation upon six Acts of Mountserrat signed.

Representation upon Acts of Antego signed. [*C.O.* 391, 16. *pp.* 99–101; *and* 391, 97. *pp.* 353–355.]

May 6. Annapolis. **663.** Minutes of Council of Maryland. The Rev. Mr. Nobbs offering to the Board that Henry Groves under sentence of condemnation for felony, who had formerly had the favour of a reprieve from Governor Blakiston, had now remained with him near four years with a very good behaviour, Ordered that he be pardoned.

Upon his petition, a recognizance not properly entered into by John Kimball of Baltemore County was estreated and remitted.

1703.

Petition of Thomas Collier, late riding Surveyor appointed by late Governor Nicholson, who had ordered George Plater, Receiver-General of Puttuxent District, to pay him 30*l.* for his salary, read. Mr. Plater said that he has not had of H.M. in his hands to satisfy his own salary, for which the Revenue is in arrears. [*C.O.* 5, 745. *pp.* 29, 30.]

May 6. **664.** Journal of House of Representatives of New York. Report of the Commissioners of Public Accounts further considered. Ordered that it lie upon the table.

Bill for the better establishment of the maintenance for the Minister of New York, read the first time.

Hudsons River Bill read the third time and sent up.

May 7. Committee appointed to consider the regulation of the assize of casks and weights and measures made their report. Several resolutions passed thereon, *amongst others*, that all weights and measures used in this Colony be according to the standard of the Kingdom of England, and that a person be appointed in every county to seal weights and measures according to the said standard. No other casks, weights and measures to be used after Aug. 1st. Bill ordered to be prepared accordingly.

Bill for vesting and setling the estate late of Daniel Briggs late of Southton in the County of Suffolk read the third [? *first*] time.

Bill for better explaining the Act for the public charge read the second time and committed.

Bill for establishing the maintenance for the minister of New York read a second time and committed.

Major Whitehead was granted leave to go home, being indisposed. [*C.O.* 5, 1185. *pp.* 44–47.]

May 7. Whitehall. **665.** Council of Trade and Plantations to the Queen. We have considered the Acts passed at an Assembly of Antego, June 28, and humbly offer them to your Majesty as fit for your Royal approbation. (1) An Act for regulating the Militia. (2) An Act declaring the several Articles Martial Law shall consist of. (3) An Act for raising a tax of 9,500*l.* for paying publick debts and charges. (4) An Act for ascertaining what the executors or administrators shall have and enjoy of the crops growing on the ground of those that are tenants for life, tenants in dower, or tenants at will. (5) An Act for making, cleaning and repairing common ponds, and making and mending bridges on the high roads. (6) An Act for regulating the towns and harbours, settling of markets, and encouraging wharfs, and to prevent abuses in the fishery. (7) An Act for the further encouraging the settlement of this Island. (8) An Act for the better government of slaves and free negroes. *Signed*, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [*C.O.* 153, 8. *pp.* 176–178.]

May 7. Whitehall. **666.** Council of Trade and Plantations to the Queen. We herewith humbly lay before your Majesty the Acts past at an Assembly of yr. Majesty's Island of Mountserrat, June 1702, and thereupon humbly offer, that yr. Majesty be pleased to

1703.

confirm the following Acts, vizt. (1) An Act for repairing and amending the high ways, and for the preventing the cutting down or clearing the standing woods, underwoods, copps or bushes which grow by the sides of rivers and brooks in this Island. (2) An Act impowering Justices of the Peace to decide differences not exceeding six pounds. (3) An Act to prevent hazards and inconveniences that may happen by thatched houses in the town of Plymouth, and clandestine dealings with negroes. (4) An Act to prevent burning or breaking of canes. And having considered (6) an Act entituled *An Act for quieting men's estates and for avoiding litigious law suits for Lands and Plantations in this H.M. Island*, and had the opinion of yr. Majesty's Attorney General thereupon in point of Law, we find that the said Act allows 3 years only to make claims, which is so short a time that persons living out of the said Island may be excluded from their just demands without being heard, and the Act so ill penned that it cannot be understood in what time claims shall be prosecuted hereafter, wherefore we are humbly of opinion it be repealed. And whereas an (7) Act entituled *An Act determining the setting of Assemblies and regulating the Elections of the same* does exempt the inhabitants of one part of the Island from the obligation of taking the Oaths of Allegiance and Supremacy in order to their being capacitated to have votes in the election of Assembly Men, for which exemption there is no sufficient reason assigned; and in the conditions required to be observed by members chosen for the Assembly, the said Act does not pursue the directions given by yr. Majesty's Commission of the Governour in Chief in that behalf, but sets aside the qualifications directed by yr. Majesty's said Commission by prescribing a new oath, we are humbly of opinion that the said Act be also repealed, and the Governour required to form such another Act as may be fitt to be proposed to the Assembly. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 153, 8. *pp.* 173–176.]

May 7. **667.** Minutes of Council in Assembly of Jamaica. Message from the House sent up, that the House having, April 24, determined to make convenient provision for H.M. officers and soldiers, have taken the readiest measure for effecting the same, by appointing committees to inspect the several Commissioners and Receiver General's accounts, and have passed an Act for the calling to account the Justices, Churchwardens, Vestry and Constables and others late of Port Royal, which will be absolutely necessary to have done before the House can proceed to a final conclusion in that affaire, it being the foundation whereon they can best proceed for the honour of H.M. and welfare of the Island, which is so much their duty: that they unwillingly omit any opportunity that may prefer the same, and therefore did desire a free Conference with a Committee of the Council on the subject matter of your Honour's Speech the first inst., which was denyed us contrary to former presidents, and to that good understanding that ought to be between the Council and Assembly, which we

1703.

can't but take notice of and assert our rights, before we raise money. But well knowing the necessity the Island lies under at this time, wee shall readily pass it by when wee are allowed our reasonable request. Consideration of above referred to a Committee.

May 8. The Council submitted their reply to H.E.:—We are joyful to hear of such a vote passing the House for the quartering the officers and soldiers, and hope it will be expediated, which wee conceive cannot be unless the first Bill proceeded on be to that intent. The Bill sent up to the Council appointing Commissioners to enquire into the execution of several Acts etc. will prove too great a delay; putting persons under so many and grevious penalties as appears to be in that Bill, forcing persons to be Commissioners without (nay contrary) to their consents, without any allowance for their paines and travail therein, we conceive ought not to be done. And if the said Bill was past into an Act, the design and intent thereof cannot be fully known in some months, several persons concerned who were personally on Port Royal, and made several payments being now absent, and may not arrive in several months, which with several other reasons make it appear that the said Bill is in noe wise necessary for the expediteing a Law for the quartering the officers and soldiers, especially when a clause may be made in any Law appropriating the remaines of any sums already raised to such uses. We cannot conceive that any cause hath been offered by the Council that a message should be sent intimating an occasion given to the Gentlemen of the Assembly to assert their rights. Their message by Capt. Nedham, who delivered it by word of mouth in Council, with our answer being both sent them by the Clerk of the Council in writing. By which it plainly appears as thereby it might fully have understood him to have been mistaken in the delivery. And therefore we conceive the House should not have offered to have asserted, they were denied a free conference on the subject matter of your Honour's Speech, or that wee received any message from them of such a desire, and more especially when the Clerk of the Council had leave to acquaint Mr. Speaker at the same time of delivering the said message and answer, that if the House had any subject matter they desired the Conference upon and would particularly name it, the Council was ready to meet them, which he is ready to depose he delivered by word of mouth, and mentioned that it was with leave of the Council.

Upon the whole matter we must appeal to your Honour, who can best justify the sincerity of our action in performance of our duty for H.M. service and the good of the country in the affair now before us, when you are pleased to take notice of and remember the House's Resolution of April 24, the Speaker acquainting your Honour that the House would quarter the officers and soldiers by a short bill for a month, and that notwithstanding on May 1st they sent up a bill for quartering the private soldiers only without any regard to the officers, which was rejected by the Board by reason the said resolution was not communicated either by delivering the minutes to your Honour, nor any other way made known to us. But wherein

1703.

this Board have acted contrary to former president so as to deserve such a reflection they doe not know, but submit the whole to your Honour, and desire that you will be pleased to take notice of it to the House for our justification. and that for that purpose it may be entred in the Council Book.

Upon consideration whereof the Governor sent a message to the House, that the Council had very honourably and to his satisfaction justified themselves in all their proceedings and that "all this mistake and misapprehension has been principally occasioned by your members' omission of two or three words in the delivery of the former message. They have great satisfaction in the resolution of the House of April 24, and both he and they hope that matter will be expediated in the first place. As to the Bill for appointing Commissioners etc., he concurred with them that the obliging persons against their wills to be Commissioners under such exorbitant penalties without any allowance for their pains is unreasonable. And that it will be a great delay to the effecting the said resolution of the House, for that if the Bill was past into an Act, the designe and intent thereof cannot be obtained in some months etc. *as above.* The Governor therefore once more recommends to you the expedeiting a Bill for quartering the officers and soldiers, several of them being under great necessity att this present, without any intervention of other business, being that is the most necessary thing can be done at this juncture for the good of the Island, that so you may proceed to other business." [*C.O.* 140, 6. *pp.* 465–469.]

May 8. St. James's. **668.** Order of Queen in Council. Confirming Acts of Mountserrat as recommended in Representation of May 7 *supra. Signed,* John Povey. *Endorsed,* Recd. 1st, Read June 8, 1703. 1 *p.* [*C.O.* 152, 5. *No.* 25; *and* 153, 8. *pp.* 190-192.]

May 8. St. James's. **669.** Order of Queen in Council. Declaring H.M. disallowance and disapprobation of the Acts of Mountserrat *for quieting men's estates* and *regulating Assemblies*, as recommended in Representation of May 7 *supra*; H.M. is further pleased to order that Col. Codrington be acquainted with the reasons for disallowing the said Acts, and that he be directed to form such other Act in lieu of the Act determining the sitting of Assemblies as may be proper to be proposed to the Assembly of that Island, and the Council of Trade and Plantations are to write to him accordingly. *Signed,* John Povey. *Endorsed,* Recd. Read May 25, 1703. 1 *p.* [*C.O.* 152, 5. *No.* 26; *and* 153, 8. *pp.* 181, 182.]

May 8. Gravesend. **670.** Deposition of Richard Martin. I was some years ago with Mr. Mason before the Councill, where I did affirm that Governour Usher his ill government was not all pleasing to the people, especially the chiefest of them, it being very prejudicial to the inhabitants. After I had the King's letters aboard, and had given a receipt for them and was dispatched out of the Custome-house and cleared at the Fort, I came to saile, and before I could pass the Fort he fired five great shot at me, of which some went very near our ship that made our men afraid, so I bid them goe down the hatchway between the cables, and I went aft and took the helm myself to steer her out, and when we came abrest of the Fort, he bid me come to an Anchor. I answered him that I was cleared at the Custom-House and Fort and had the King's letters aboard, and I had noe need of coming to an anchor, and withall desired him not to sink the ship with his shot, shee being of a considerable value, and belonged to honest men, and if I had given him any offence, it was pitty the ship should suffer, but the wind proving calm and soon came about easterly, soe I was forced to anchor, soe he forthwith sent the Captain of the Fort aboard to command me ashoar, and when he brought me before Mr. Usher, I desired he would please to take care of the ship, there being but one seaman and all the rest landmen. Soe he confined me to be kept close prisoner in the Fort, without taking any care for soe much as bread or water, where after I had been 48 hours, my hunger forced me to petition him, which after two or three petitions was granted me. Now the reason of my being unwilling to anchor was this, before Mr. Usher came from Boston, he sent an order to his Deputy, Mr. Fryer, that he should take two of my men out of the ship, but Mr. Fryer being my friend and an honest man, considered my condition and pitied it, soe I took care to prevent it, or else my voyage must have been ruined. Soe when I saw Governor Usher come to town and lighted off his horse, I thought it time for me to saile, for if he gave order to his Deputy to take away two of my men, I could not expect less from him when he was come himself, and then my voyage must be absolutely destroyed, and if I could appear myself I doubt not but that I could satisfy any man that his ill government was the reason why the burning of our ship was not prevented. For Mr. Eastwick demanded of me I have forgot how much money to clear our ship, which being in my wrong I was not willing to pay, soe Capt. Bant and Capt. Eldrid being cleared out of the same Custome House at Boston as I was, they both being New England men were not stopped at all, but I, being an old England man, was marked out for their fury. Soe Capt. Wagar who then commanded our convoy, advised me to go ashoar to the Governor to see what he would do with me, and in case he offered to stop me, that then I should hale our ship aboard the convoy along her side, and so sail out of the Port until past the Fort. Accordingly I went, and was told the Governor was busy in the sealing up his letters, but if I spent an hour's time he would be at leisure. Soe I went to Betty West's and called for some wine, took out my box and was filling a pipe of tobacco, when a man came into the room I was in, and told me our ship was afair, soe I immediatly went on board, where I found much help, yet the fire conquering, I was forced to cut away all our masts and also all our cables and run the ship ashoar. In all probability this fire had been put out, if I had been aboard, which I had certainly been, if I had not met with much and unreasonable trouble by the Government. *Signed,*

1703.

Richard Martyn. *P.S.*—He made pay 6*s*. 8*d*. for each shot. *Endorsed*, Recd. Read May 19, 1703. 4½ *pp*. [*C.O.* 5, 863. *No*. 28.]

May 8. St. James's. **671.** Order of Queen in Council. Confirming Acts of Antegoa as recommended in Representation of May 7, *supra*. *Signed*, John Povey. *Endorsed*, Recd. 1st, Read June 8, 1703. 1 *p*. [*C.O.* 152, 5. *No*. 24; *and* 153, 8. *pp*. 192, 193.]

May 10. **672.** William Vaughan to the Council of Trade and Plantations. (1) Mr. Usher hath got himself universally hated in the Province, by manageing a suite against the interest of all the people of the whole Province, by endeavouring to diseise them of their antient possessions; by his continuing Governour of the Province will in all probability turn out and put in such persons and no other but such as will serve for the carrying on the work he has begun, and thereby out them of their just and antient rights and so become entituled to the Province or great part in right of his wife or otherwise, being so nearly related as son-in-law to Mr. Allen he will use his interest to promote this cause, with all the industry imaginable, and it's well known what a Lieutenant-Governour can do if he exert his power, and since his having a probability of going Lieutenant-Governour has given out speeches that this cause he doubts not off, for that's in his power to put in Judges and Sherriffs. (2) Mr. Usher during the exercise of his government, manag'd the affairs with so uneven a temper and so much rashness, that it tended much to the disquiet of the subjects, by reason whereof many of them left the Province, and in an Assembly when they have differed from him in opinion dissolved them, and warrants have issued out to press some of them, and some or most of them were pressed and sent to remote parts of the country to keep garrison in person, and were not suffered a servant as was and is usual, although at that time there was no manner of occasion for so doing (the garrisons being then otherwise supplyed) only to shew his dislike of their not complying and disagreeing with him. And one of them in particular was sent to prison; and at Welshman's Cove in the township of Dover there being no provision for the garrison there the Lieutenant returned the people back, whereon Mr. Usher caused the Lieutenant to be fined 50*l*. and to ly in prison till paid. (3) Mr. Usher's mismanagement of the stores was very great, and particularly of 100 barrells of powder given by the late Queen Mary, and the powder that was received for the duty of shipping, which in all was very considerable; Mr. Usher living out of the Province coming very often, caused at his coming in and going out the guns to be so constantly fired that there was but about 30 barrells left behind, besides all which there was 80*l*. in moneys remaining in the Collector's hands, for the provision of powder, and all spent without that due care which ought to be taken in preservation of the country, and in all probability we had been in the condition we were at the coming in of the late King, when there were scarce four barrells of powder in the whole Province, so that severall people were in disburse great summes for powder and preservation of the sick and wounded soldiers, and all disbursements to keep garrisons and send out soldiers, and after applyed to Mr. Usher to have repayment, he answered he must look forwards and not backwards. (4) In the time of Mr. Usher's Government, one Capt. George Long, Commander of the *Fawkland*, being in the river of Piscataqua in order to load with masts etc. for the Royal Navy of England, hoisted the King's Jack (as is usual in such cases) on board his said ship, Mr. Usher being offended thereat, caused severall Train-bands to be drawn together, in order to seize the said Captain, and finding he could not oblige the Captain to comply with him, he sent for more Train-bands and after that for more from about Oyster River, altho he knew at that time there was warr with the Indians, and that place much exposed, and that night the Indians took advantage, fell upon the inhabitants and destroyed and carryed away ninety or a hundred souls, and plundered and burnt their houses. (5) Mr. Usher turned out severall Gentlemen of the Councill fitly quallifyed for places of trust in that Government as will appear by the address presented to the Earle of Bellomont, and in their stead putt in mean persons vizt. som that keep publick houses of entertainment and another that could scarce be allowed a vote for an Assembly-man (which were men only fit to serve a turn) and created a Lieutenant-Collonel of the Province, of mean fortune, such as abused the people in drunkeness by allarming them in the night, and if they did not attend fined them, and obliged the people to pay such fynes as they imposed or take their goods for it. (6) Mr. Usher's ambition was so great that he usually obliged part of the Militia to attend him and likewise the Train-bands, and particularly came on Saturday night to a place of entertainment, at the out part of the town of Hampton, sent for a guard of horses, part of the Militia, and not thinking this sufficient, ordered the next morning all the Train-bands to receive him in their Arms in the town in a lane for him to pass through and so attend him to the meeting house with Colours flying, drums beating etc. And so did attend him to dinner, and after dinner the Horse to attend him to the great Island. The Captain murmuring at this unusual method, Mr. Usher cashired him and put in another, this method obliged the people to be mightily uneasy, being both troublesome and inconvenient to poor labouring men. (7) In the Government of my Lord Bellomont all or the greatest part of the matters aforesaid was heard before him, and severall matters there proved upon oath, and after that my Lord Bellomont represented the circumstance of the matters to the Honble. Board as may appear by the same before your Lordships, and to which Mr. Vaughan prays your Lordships to have recourse and doubts not thereby it will appear the disorders that have happened were all owing directly to Mr. Usher, as may appear by the severall copies of the Affidavits attested by the Officers in Cheif now ready to be delivered to your Lordships. (8) As to the wast grounds, if Mr. Allen be put in the possession of them all, the inhabitants

1703.

will loose their commons which they have enjoyed as long as their other estates. *Signed*, Wm. Vaughan. *Endorsed*, Recd. Read May 10, 1703. 2½ *large pp.* [*C.O.* 5, 863. *No.* 30 ; *and* 5, 911. *pp.* 33–40.]

May 10. Boston. **673.** Governor Dudley to [*? the Earl of Nottingham*]. Captain Smith, H.M.S. *Gospir*, is returned (*from Jamaica*) and fitting to cruise, having spoiled his main mast in his return, and he having been long enough here to know the coast, if H.M. shall please to continue that friggot here, and add one fourth rate for a guard, these Provinces would be able to send out more privateers to annoy the enemy upon the Banks of Newfoundland and to attend the coming of the store-ships for Canada or Port Royal, in both which places they are distrest for want of supplies, as prisoners every day inform me, having been used in former wars to live upon the spoil of our coasters loaden with provisions, which I have prevented by drawing up all the Western coasters once a month at New London, and sending a vessel of force to bring them round Cape Cod, so that we have yet lost nothing to the enemy, but as we were fortunate last year in the taking of twenty vessels, bankers and others, I hope we may be as strong and successful this summer. In which service I am neverthelesse extreamly hurt by the Government of Rhode Island, who do every day receive our seamen that fly from us both out of H.M. ships and our privateers and merchantmen, and can no wise be come at, where they are debaucht to the last degree. Particularly, two of the privateers commissioned by myself, Lawrence and Blew, who took a large Spanish ship upon the coast of Cuba, loaden with wines etc. valued at about 5,000*l.*, coming in out of the sea from the southward into the harbour of Road Island, which H.M. has disposed under the Vice-Admiralty of this place, I immediately wrote to both the said Captains, directing them to bring their prize to Boston, their commission port, whence they proceeded, where the ships under their management belonged, and where they were indebted for their advance, and where dwell all the owners and sharers with them, but instead of an answer from them, Mr. Cranston, the Governor of Road Island, writes to Mr. Newton, Mr. Atwood's Deputy Judge of the Admiralty, to come immediately to Road Island, to condemn the prize otherwise he would do it himself. The merchants, owners, and suppliers of the privateers then all attended me, and under their hands prayed I would allow the judgment to proceed, or all would be immediately embezzled, upon that pretence. I then sent Mr. Coleman, who is Deputy to Mr. Dod, H.R.H. Receiver of the Tenths, with credentials, but they have utterly refused him, and what shall be preserved I cannot tell. And thus, my Lord, it is with everything in that place. It is a perfect receptacle of rogues and pirates, and while this is doing, I have found the reason of Mr. Lawrence, one of the privateers, unwillingnesse to come hither. One Capt. Tucker of Bermudas brings me account that Lawrence met him in the sea in November last past, and rob'd him and sunk his vessell, and set him on shoar at Carolina.

I am taking care to have him arrested upon that head, to see what may appear upon his tryall, but I shall not be able to bring it to passe, while they have a pretence to any Government there. The ordinary oppression of the subject, who do not agree with their methods, is very grievous. I humbly offer but one instance in the inclosed letter (*subscribed : none inclosed*) from Mr. Brinley, a very loyal person, and of the best estate here ; and some other such instances are the utmost of their government ; in all other things the people do what they please without restraint.

The Indians to the Eastward upon the frontiers of this Province are in good order, I having carefully guarded their coast, that no French supplies could come to them, and having one fourth man of the Militia throughout the Province ready at four and twenty hours' warning for a march, and keeping a small force next to them, about 200 men in a marching posture every day, which I assure them is to defend them from the French whom they may justly fear, having refused to rise upon the English. The Sachims of these Indians have alwaies in their Treaties urged that an Indian boy carried into England by Sir William Phips might be returned, and I pray it on their behalfe. It would be a great benefit to us in our Treaties. The Gentlemen of the Council acquaint me that Sir Henery Ashhurst can give account of him, where he is, and there are two or three Christian captives of the last war that I cannot get without the return of this Indian boy. The last Assembly granted 500*l.* more for the finishing of the Castle of this place, which completes the expence there to 5,000*l.*, and Col. Romer assures me, Midsummer Day shall perfect that work, and give him the leisure to begin at Pascataqua, where the people are ready to do their utmost, both in payment and labour, to reform and add to their fortifications. The annual choice of H.M. Council here is within a few days, and the Assembly already chosen for that purpose ; there has been apparent methods taken in the choice of Assembly-men that no such should be chosen as had shewed their obedience to H.M. commands for the re-building of Pemaquid, or for the setling a salary for the support of the Government, and I therefore reasonably expect that such will be chosen into the Council, and unless H.M. please to assign a sum out of the public Revenue here, to be first taken out for the Governour annually, I do not expect that anything will be obtained of the Assembly, and while the Council have their dependance upon the people for their station at that Board. I humbly pray that Mr. Nathaniel Byfield may be appointed Judge of the Admiralty, and that I may not longer depend upon Mr. Atwood's Deputy for that service, and if I might obtain some large canon for this Castle, the work would then be perfect, and one foot company of English souldiers in H.M. pay there would put that fortification in all points into its proper posture.

I humbly thank the honor of your Lordship's commands of Jan. 23, which I received yesterday by way of Jamaica, and humbly thank your Lordship's favour to the two Companies sent from this Province to Jamaica ; and I shall do my duty in providing for the fleet, if they call here, and if they are upon any

1703.

design to the northward, at Port Royal, Placentia, or Kebeck, I believe them all feasible, and if I have any warning from Admirall Whetstone, or who else is in command, I shall do what I can to encourage voluntiers to keep them company from hence for H.M. service. *Signed*, J. Dudley. *Endorsed*, Recd. June 30th, 1703. 4 *pp.* [*C.O.* 5, 751. *No.* 48.]

May 10. Boston. **674.** Governor Dudley to the Council of Trade and Plantations. *Duplicate of preceding with exception of last paragraph for which is substituted*:—I humbly thank your Lordships' favourable Representation to H.M. referring to the 250*l.* presented me by New Hampshire, which they voted to be double that sum, if I would have accepted it from so small a Province, and I humbly pray your Lordships' favour in the passing the gift of 500*l.* from this Province to me; here is no penny salary of no kind, and that present of 500*l.* is not the halfe of my expenses this year, though I perceive the Assembly intended it to support that charge as well as the charge of the Commissions for the Government which it will by no means amount to. *Signed*, J. Dudley. *Endorsed*, Recd. June 30th, Read July 13, 1703. 4 *pp.* *Enclosed*,

674. i. Abstract of preceding. 1½ *pp.*

674. ii. Francis Brinley to Governor Dudley. Newport, April 10, 1703. The many troubles and perplexities H.M. good subjects here inhabiting are exercised with from hands of unreasonable men are allmost unaccountable, more especially to Mr. Lodowick Updike, from whom they have unreasonably distrained great sums for small matters demanded of him, as for a rate of 20*s.* or under they took seaven fat hogs worth 10*l.*, *etc.* According to the Law, they are to keep them ten daies before exposed to sale, which they observe not, but some of the cattle distrained they carried out of the township in a weekes time, and never returned any surplus. From some they have taken the beasts of the plough, tho' enough of other estate to be taken at their pleasure. And now lately for a rate of 10*s.* or 14*s.*, their officer came to Mr. Updike's (tho' he was not at home) and distrayned a silver tankard cost 12*l.*, and was rummaging a kettle for some silver spoons, which so provoked Mrs. Updike that shee struck him with a broomstick, for which crime she was bound over to the Court in March last, and a bill of indictment found against her shee quashed, and although they have a considerable estate in the place, and alwaies silver, yet they compelled her and her husband to enter into bond to appeare at the next Court in September, and bound them to the good behaviour. *Prays* H.E. that there may be a stop put to their further proceedings, for they force a government over the people wch. nothing concerns them *etc.* They intend to deale severely with Mr. Updike, if not prevented. *Signed*, Francis Brinley.

Endorsed, Recd. June 30th, Read July 13, 1703. *Addressed. Sealed.* 1 *p.* [*C.O.* 5, 863. *Nos.* 29, 29.i., ii.; *and* (*without enclosures*) 5, 911. *pp.* 79–87.]

May 10. Whitehall. **675.** Journal of Council of Trade and Plantations. Mr. Vaughan and Mr. Partridge, accompanied with their Council, attending on the one side, and Mr. Usher and Mr. Wharton on the other, the Order of Council of the 1st upon Mr. Vaughan's petition against Mr. Usher, as also Mr. Vaughan's reasons in confirmation of the said petition, were read. But Mr. Usher objecting that the said reasons were not delivered in till this morning, and that he had not been able to instruct his Council, and therefore desiring a further day, their Lordships agreed upon 19th inst., and ordered that Mr. Usher have a copy of the foresaid reasons, and that he put in his reply on Friday next, that a copy thereof may be given to Mr. Vaughan, and that both sides may have summons for such persons as they shal desire.

May 11. Upon intimation from Sir John Stanly that the Lord Chamberlain does desire to be informed by this Board to which of the Plantations H.M. picture and arms are to be sent pursuant to the Order of Council, ordered that the Secretary reply, New Hampshire, The Massachusetts Bay, New York, New Jersey, Maryland, Virginia, Jamaica, the Leeward Islands, Barbadoes and Bermuda.

Letter from Mr. Penn read. Answer ordered to be prepared.

Order of Council, May 1st, read. Ordered that notice thereof be given to Col. Dudley in the first occasion.

Order of Council, May 1st, read. Draught of a letter to Lt.-Gov. Bennet ordered to be prepared accordingly.

May 12. Letter to Mr. Penn approved and sent.

Letter from Mr. Burchet with extract read. Ordered that Mr. Roope and Mr. Thurston have notice to attend to-morrow.

Draught of letters to Governor Dudley and Lt.-Gov. Bennet agreed upon.

Memorial from Mr. John Royle read. Representation recommending Col. Maxwell ordered.

Letter to the President and Council of Maryland signed and sent enclosed to Lord Baltimore.

Draughts of letters to the Governors of Virginia, Maryland, Pennsylvania, New Jersey, Connecticut and Rhode Island, agreed upon. [*C.O.* 391, 96. *pp.* 102–107; *and* 391, 97. *pp.* 359–368.]

May 11. Admiralty Office. **676.** J. Burchett to William Popple. Having received a letter from the Navy Board, wherein they inclose one to them from the Officers of the Yard at Plymouth, desiring to receive some further Instructions in relation to the Chaines and other Stores which they are ordered to prepare for the Boom at Newfoundland, I send you herewith a copie of the sayd letter, that you may please to lay the same before the Lords of the Council for Trade and Plantations. *Signed*, J. Burchett. *Endorsed*, Recd. Read May 12, 1703. ¾ *p.* *Enclosed*,

676. i. Extract of Letter from the Officers of Plymouth to the Navy Board, May 7, 1703. Pursuant to your warrant

1703.

of 27th past, we have got together two anchors in order to be sent to Newfoundland, but as for the two small chains and iron for ring-bolts, would be glad to know the weight and length of the chains etc. ¾ *p.* [*C.O.* 194, 2. *Nos.* 119, 119.i.; *and* 195, 3. *pp.* 223, 224.]

May 11. [11th 3rd month, 1703.] **677.** Wm. Penn to the Council of Trade and Plantations. Honble. Friends. Since I observe your bent is extreamly strong to bring all proprietary Governments more immediatly under the disposition of the crown, and the disadvantage they are and must be under on that acct., I thought fitt to lett you know, that upon a just regard for the security of me and the people in our Civil Rights, according to the Laws and Constitutions of the Country, I shall, upon a reasonable satisfaction, resigne to the Crown, the Governmt. thereof, saveing some few previledges that will not be thought, I believe, unreasonable. I could say abundance to vallue my pretentions upon this head, but will not anticipate your inclinations to be kinde as well as just to your respectfull Friend. *Signed,* Wm. Penn. *Endorsed,* Recd. Read May 11, 1703. *Holograph.* 2 *pp.* [*C.O.* 5, 1262. *No.* 28; *and* 5, 1233. *No.* 45; *and* 5, 1290. *pp.* 313–314.]

May 11. **678.** Minutes of Council of Barbados. H.E. Sir Bevill Granville produced H.M. Letters Patents, wch. were read, and also a Commission from the Lord High Admiral to be Vice-Admiral in these parts. H.E. took the oaths for administering the Government and the oaths for securing the Acts of Trade and Navigation, the oaths instead of the oaths of allegiance and supremacy and subscribed the Test (the oaths appointed in the Act for setling the succession of the Crown not being yet come to this Island). The members of Council took the oaths appointed and subscribed the Test, and the oath of Councillor. A Proclamation was issued that all officers, civil and military, shall continue in the execution of their several offices until H.E. pleasure be further known.

Ordered that Mr. Hart deliver to H.E. the whole proceedings relating to the trial of the French prisoners that came up in the late pretended flag of truce. [*C.O.* 31, 8. *pp.* 25–27; *and* 34–36.]

May 11. **679.** Journal of Assembly of Barbados. The members present being but fourteen, and there being noe likelyhood of making a House, adjourned till the 18th. [*C.O.* 31, 7. *pp.* 54, 55.]

May 11. **680.** Journal of House of Representatives of New York. Bill for better explaining the Act to enable the respective towns to build and repair their meeting-houses and other publick buildings, and also to enable the several countys of Richmond and West Chester to erect common gaols and other public buildings for the service of the said countys, was read the first time.

1703.

Petition of Dirck Vanderburgh was presented to the House and read, complaining that the brickmakers in this Province making their bricks not according to the standard of England is prejudicial to the Province. Ordered that a clause be inserted in the bill to be brought in for the better regulating the assize of casks etc. that all bricks to be made in this Colony from and after Aug. 1st shall be according to the standard of England.

Bill to explain the Act for defraying the Public Charge was read with amendments and agreed to.

Bill for setling the estate of David Briggs read the second time and committed. Ordered that the parties named therein give timely notice thereof to the possessors or territenants of those lands that they make what objections they think fit.

May 12. Bill to explain the Act to enable the respective towns to build meeting-houses *etc.* read the second time.

Bill to explain the Act for defraying the public charge was read the third time and sent up.

Bill for the better and more speedy recovery of the forfeiture of 6*l.* for persons not appearing upon detachments and performing the service required according to the purport of the Act for the better settling the militia was read the first time.

May 13. The last mentioned Bill was read the second time and committed. [*C.O.* 5, 1185. *pp.* 47–50.]

May 12. Whitehall. **681.** Council of Trade and Plantations to the President and Council of Maryland. The Lord Baltemore having complained to us of some infringement made upon his rights by an Act of the General Assembly of Maryland *ascertaining the bounds of land*, and likewise of injury done him by another Act *for securing of administrators and executors from double paying of debts and limiting the time for payment of obligations within that Province*, we send you here inclosed copies of his Lordship's observations upon the objections against both the said Acts, that you may consider thereof with due regard to his Lordship's rights, and take such measures thereupon as may be agreable to reason and justice. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. [*C.O.* 5, 726. *pp.* 258, 259.]

May 12. **682.** John Royle to the Council of Trade and Plantations. Col. Andrewes, one of the Council of Barbadoes being lately deceased and Col. Thomas Maxwell being recommended by the late Governor for that post, and having been Speaker of the Assembly in Barbadoes several times, I humbly pray your Lordships' favour in recommending him to H.M. to be one of the Council in the room of Mr. Andrewes. *Signed*, John Royle. *Endorsed*, Recd. Read May 12, 1703. ½ *p.* [*C.O.* 28, 6. *No.* 96.]

May 12. Whitehall. **683.** William Popple to Josiah Burchet. *In reply to letter of May* 11. The weight of the two chains being not easy to be determined, the Council of Trade and Plantations think it proper that the length of each be 30 fathom, and the bigness like that of

1703.

top-chains for a man of war of 70 or 80 guns, and as for the ring-bolts, it being doubtful whether there be any smith in Newfoundland capable to make them, they judge it necessary that they be made here, and that each of them be of the diameter of 1½ inches. [*C.O.* 195, 3. *p.* 225.]

May 12. Whitehall. **684.** William Popple to William Penn. In reply to your letter of May 11th, the Council for Trade and Plantations desire you to lay before them your proposals in writing, explaining the reasonable satisfaction that you designe, and the particular priviledges which you desire to have reserved, that they may be inabled to present their opinion upon the whole matter to H.M. 1 *p.* [*C.O.* 5, 1233. *No.* 46; *and* 5, 1290. *pp.* 314, 315.]

May 12. **685.** Minutes of Council in Assembly of Jamaica. Message from the House in writing: We must needs believe the veracity of the members of our House that carried up the message of May 5, which they affirme they delivered as 'tis entred in our minutes. But if any particular words had been assigned for a mistake, wee should have endeavoured to rectify it, so that a good correspondence with the Council might have been preserved, to have proceeded vigorously in the discharge of those affairs that lye before us for H.M. service and the good of our Country, for which wee were called together by H.M. writ to treat with the Council. But since Conferences are deem'd impracticable and denyed, we know not how to proceed without lessening our own known rights and privileges. If the Assembly have not power to call persons to account for summes of money raised by them, there will be no end of taxes, and that to no purpose. And if any persons are already gone off this Island that are concerned in raising, collecting and paying the taxes at Port Royall before Jan. 9, it therefore requires your speedier remedy to prevent these following them, whereby to make a private advantage of themselves of the public money. Wee conceive that wee may appoint Commissioners as is done in the Bill, and that the penalties cannot be called exorbitant or unreasonable when it conduces soe much to the Country's service and advantage, and may be done with so little trouble, and in a week's time, if once gone about. Therefore wee must needs complain of its being throwne by without a Conference or Amendment from the Councill, contrary to any former president. That the Assembly were fully resolved to make such provision for the officers and soldiers as might be sufficient for their subsistence, but to be circumscribed and tied up to lay all other business aside, nay even the enquiring into public funds, is such a hardshipp as never before was put on the Assembly, and wholly debarrs them of that freedome they ought to enjoy.

Ordered thereupon that a Committee be appointed to draw up a paper in answer to the Assembly's message this day to serve for Instructions to such a Committee as may be appointed to confer about the matter now lyeing before the Governor, Council and Assembly.

1703.
May 13.

The report of the Committee was ordered to be as an Instruction to the Committee as follows :—The Governor and all the Council then present doe positively affirm that the message brought was as the Council sent it up recited in the message of your House, which causing an imediate debate at the Board, they came to the resolution sent up to the House in writing, but gave the Clerk of the Council leave to acquaint the House that if they had any subject matter they desired the Conference upon, and would particularly name it, the Council was ready to meet them. And had then just reason to believe the House were made sensible of the error, by reason they did not forthwith send up to the Councill to lett them know that their member was either mistaken in the delivery of his message, or that the Council mistook it, and soe to desire the said message should be regulated, which if done and the Council had assigned matter of debate, the Conference might have been as desired. The Council positively deny that the Conference[s] were ever denyed by them, as may appeare by the leave given to the Clerk of the Council, they having been on all occasions desired by them, it being in general their opinion the Queen's and Country's business cannot well be affected without conferences, though in this and former Assemblyes that House by their Committees have told the Council they would confer noe more with them. The Council doe not deny, but concurr with the opinion of the House that the Assemblys have power to call persons to account for money raised by themselves, and will be ready to give all due assistance in the matter, which made them give the Bill sent up for calling the persons of Port Royal to account a present reading, and committed the same, but believing several paragraphs and sentences in the same, and the impositions laid on the persons named Commissioners unreasonable, more especially making noe provision of a compensation for their paines and loss of time (as the House in other cases have done when their own members were employed), nor being satisfied the gentlemen therein named were willing to accept the same, and for that that Bill would take up a considerable time in the amendments by several Conferences before it could be effected, the Council were of opinion that the necessity of taking a speedy care for the officers and soldiers was the first thing ought to be regarded, and the same when by the message of the House on Fryday they was acquainted of the vote of April 24 which before they was ignorant of, onely by what was told the Governor by the Speaker soone after the passing of that vote or about that time that the House was drawing up a Bill for quartering the officers and soldiers for one month, in order to make further provision when more att leisure and better informed of payments of publick money, or to that effect. But on May 1st following, instead of an Act for providing according to that resolution, the House sent up an Act to confirm the old Act for another month, which only provides for the soldiers, without officers, and above a hundred of them are upon the Queen's Revenue now, which they know to be exhausted and very considerably in debt, without passing a vote for loan, and

1703.

notwithstanding the Council believe it absolutely necessary for the Port Royal Act to be done, which will not nor can any way affect the keeping the soldiers, the said money being already appropriated, they thought it more reasonable first to make provision for the officers and soldiers, several of which have had no manner of quarters for near sixteen weeks past, nor can the Treasury have credit without a vote of the House to enable it. And as to more persons concerned going off the Island, for the future it may be obviated, for upon application made they may be stopt (none can goe without a tickett), and the said Act being now on foot perticular care may be taken that none shall goe. And notwithstanding in the message from the House they say that a week's time will effect the intent of that Act, which they say the Councill have thrown by without any Conference, the Councill positively affirme the contrary, nor can they conceive it will or can be done in that time; therefore are desireous to see the more necessary Bill for providing for H.M. officers and soldiers perfected, several of which are in danger of perishing, their owne pay not being sufficient for their support. And the Council are fully resolved to go on with the said Bill, as they hope the Assembly will with the other, according to the Governor's desire both by his Speech and Message to the House; and they must think it not unusual for Governors to recommend to Assembly what they think most necessary for the service of the Crown and good of the Island, and to desire them to lay by all thoughts of other buisinesse until such affairs are effected. And although the House by their message intimate that they were by the Governor commanded, the Councill unanimously averr he onely desired the House would forthwith goe upon a Bill for effectuall quartering the officers and soldiers, as they may find by his speech, nor did the Governor att any time hinder the debating and inquireing into public funds.

In the last message the House take occasion to direct the Governor and Council, though they seem to be disgusted that the Governor should offer any directions to the House.

Message sent down that the Council desire a free Conference immediately upon the subject matter of the message from the House yesterday, and doubt not to make it appear the Council never denied any conference upon any subject matter proposed. The House consented. [*C.O.* 140, 6. *pp.* 469–474.]

May 13.
Office of Ordnance.

686. Board of Ordnance to the Council of Trade and Plantations. Having my Lord Treasurer's direction of Mr. Lowndes's Letter of the 11th prest. for providing what shall be necessary to fix a Boom in St. John's Harbour in Newfoundland, wee desire you will order the person that will undertake the same to attend us here about ten a clock on Tuesday morning next. *Signed,* C. Musgrave, Ja. Lowther. *Endorsed,* Recd. Read May 14, 1703. 1 *p.* [*C.O.* 194, 2. *No.* 120; *and* 195, 3. *p.* 226.]

May 13.
Whitehall.

687. Council of Trade and Plantations to the Queen. In obedience to your Majesties Orders in Councill, we herewith lay before your Majesty the draughts of letters for your Majesties royal signature, vizt. To Col. Dudley, Governour of the Massachusetts Bay and New Hampshire in New England, requiring him to use his endeavours to dispose the Councills and Assembly of those Provinces to make due provision for their own defence. As also to your Majesties Lieutenant Governor of Bermuda for releasing George Larkin Esq. from the confinement he had laid upon him. *Signed*, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Annexed*,

687. i. Draught of a letter from the Queen to Governor Dudley. Trusty and well-beloved wee greet you well. Whereas it has been represented to us by the Council of Trade and Plantations from the accounts you have given of the state of defence of our Province of the Massachusets Bay, that cannon and other stores of war are wanted in several parts for the defence of that Province, and whereas you have formerly been directed to move our Councill and the Assembly of our said Province in the most pressing manner that they take effectual care for the building a good Fort at Pemaquid, about the same place where the former stood, and for other fortifications necessary for the defence of our said Province, with intimation that when the said fortifications should be built, wee would be graciously pleased to send thither some great gunns and other stores of war towards the finishing and for the use of the same. But whereas no advance has hitherto been made in that service, and the Assembly notwithstanding your insisting therein in our name, and the concurrence of our said Councill, have declined to make any provision for the carrying on of that important work at Pemaquid; wee do hereby signify to you our royal will and pleasure, that you represent to them our sense of their great neglect of duty to us and of their own security in this occasion, and that you thereupon again move them in the most pressing manner to do their utmost for their own benefit and preservation, in building the Fort at Pemaquid and furnishing their other fortifications and stores with necessaries; as likewise in contributing towards the charge of the Fort at Piscataway, the security of which neighbouring place (as a frontier and in-lett to their country) is of great importance to their safety. And you are hereupon further to acquaint them that their effectual complyance with these directions, will be the most proper inducement to incline us to be assisting to them by a further supply of great gunns and stores as we shall judge necessary. So we bid you farewell. Given at our Court at St. James's the 18th day of May 1703. In the second year of our reign.

687. ii. Draught of a letter from the Queen to Governor Dudley. Trusty and wel-beloved we greet you well: Whereas it has been represented to us by the Council of Trade

and Plantations from the accounts you have given of the state of defence of our Province of New Hampshire; that the Fort at the entrance of Piscataway River, being the place of most importance for the defence of that Province does require repairation and additional works for the security thereof, as likewise ordnance and other stores of war for the defence of the same, which would be too heavy a charge for the inhabitants of that Province to bear; and whereas they have not hitherto exerted their endeavours as they ought to have done for their own safety, whilst at the same time they have raised considerable sums of money for unnecessary uses; Our will and pleasure is, that you represent to our Councill and the Assembly of our said Province their great neglect and thereupon move them in the most pressing manner to doe their utmost for their own preservation, particularly in keeping the Fort at Piscataway in good repair and in a state of defence without mispending the publick money; which will be the most proper inducement to incline us to be further assisting to them as we shall understand to be necessary. So we bid you farewell. Given at our Court at St. James's the 18th day of May 1703. In the second year of our reign. [*C.O.* 5, 911. *pp.* 41–47.]

May 13. Whitehall. **688.** Council of Trade and Plantations to the Queen. Whereas a vacancy has lately happened in yr. Majesty's Council of Barbados by the death of Colonel Andrews, and that Colonel Thomas Maxwell of that island stands first upon the list lying before us of persons well qualified to be Counsellours of that Iland, pursuant to yr. Majesty's instructions. We humbly recommend the said Maxwell to yr. Majesty to supply the said vacancy. *Signed*, Dartmouth, Robt. Cecill. Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *p.* 304.]

May 13. Whitehall. **689.** Journal of Council of Trade and Plantations. Mr. Roop attending, answered some questions relating to the chains to be sent to Newfoundland. Letter ordered to be written to Mr. Burchet accordingly.

Representation wherewith to lay letters before H.M. signed.

Representation recommending Col. Maxwell signed.

Remainder of the Acts of the Leeward Islands, 1701, considered, and a report ordered upon all except two.

Acts of Jamaica, 1699, considered, and having formerly reported upon two, their Lordships gave directions for preparing a Report upon four more, and also of one separate private Act, omitting mention of one that expired, and of other four private Acts, of which no particular account has been laid before the Board by persons concerned or others in their behalf.

A new Clerk was appointed at 30*l.* per annum in place of Mr. Bruges, decd.

1703.
May 14. Letter from the Board of Ordnance read. Mr. Roop offering his services, a letter of introduction was delivered to him.

Representation upon the remainder of the Acts of the Leeward Islands signed.

Representation upon the Acts of Jamaica signed.

Their Lordships then entered upon the consideration of the collection of the Bermuda Laws 1690. [*C.O.* 391, 16. *pp.* 108-113; *and* 391, 97. *pp.* 371-376.]

May 14. Whitehall. **690.** Council of Trade and Plantations to the Principal Officers of the Ordnance. In answer to yours of 13th inst., we have ordered the bearer hereof, John Roope, who will undertake the fixing a boom in St. Johns Harbour in Newfoundland to wait upon you. We find him a person well acquainted with that country etc. *Signed*, Robt. Cecill, Ph. Meadows, John Pollexfen, Matt. Prior. [*C.O.* 195. 3. *p.* 227.]

May 14. Whitehall. **691.** Council of Trade and Plantations to the Queen. We humbly offer the following Acts passed some time since in the General Assembly of Jamaica for your royal approbation: (1) Act for raising parties to suppress rebellious and runaway negroes. (2) Act for uniting the precincts of St. Andrews and Kingston. (3) Act to make sundry persons a Body Politick, and Directors for the Bath of St. Thomas the Apostle. (4) Act to oblige the Parish of St. Katherines and St. Andrews to build a bridge over the River Rio Cobre. (5) Act for entailing a parcel of land upon Edmund Edlyne and his heirs according to an agreement made before marryage. *Signed*, Robt. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *pp.* 465, 466.]

May 14. Whitehall. **692.** Council of Trade and Plantations to the Queen. Recommending for H.M. approbation the following Acts past in a General Assembly of the Leeward Islands, Dec. 1701;—(1) An Act for the better securing H.M. Leeward Islands in case of war, and to establish a fund for the same. (2) An Act for the finding supernumerary arms to be proportionable according to the number of every person's negroes. (3) An Act to repeal an Act against the Jews. (4) An Act for the preventing the abuses in all manner of lumber, and for the better encouraging of that Trade.

But whereas another of the said Acts, entituled an Act *to settle General Councils and General Assemblys for the Charibbee Leeward Islands in America, and to secure to each respective Island their own peculiar Laws, Liberties and Priviledges* does, amongst other things, provide that no Act, Law or Ordnance whatsoever made in that or any other General Council and General Assembly for the future shall be of any force in or over that particular Island whose Representatives shall wholly dissent from the making or passing thereof, which exemption of any particular Island from being concluded by the majority of votes in a General Assembly of the whole we humbly conceive to be very inconvenient,

1703.

contrary to the design and intent of your Majesty's Commission impowering the Governor in Chief to call Assemblies and enact Laws for the good of the said Islands joyntly as well as severally, and inconsistent with that Government, where the Governor in Chief has and ought to have the last negative voice ; for which reason we humbly offer that your Majesty would be pleased to declare your disapprobation and disallowance thereof. *Signed*, Rob. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 153, 8. *pp.* 178–181.]

May 14. **693.** Minutes of Council in Assembly of Jamaica. The Committee reported that they had discussed the Heads of Instructions with the Committee of the House appointed for the Conference yesterday, who at first highly insisted on the veracity of the members, and that they was denyed a Conference, but afterwards grew more calm, and that they parted not without hopes all matters will be done to a general satisfaction.

Bill for appointing Commissioners was referred to a Committee.

Message from the House sent down in writing :—The Assembly have great reason humbly to desire and press your Honour and the Honble. Board for the passing the Bill for appointing Commissioners to enquire after the Port Royal money, which being done the House have resolved persuant to a former vote to pass an Act for the subsistance of H.M. officers and soldiers to commence from May 1st and to reimburse the Treasury such reasonable summes as have or shall be expended on that account. And we likewise entreat your Honours considering the Holydayes are soe near, the Fleet ready to sail, and the Grand Court at hand, that you'l be pleased to give us leave to adjourne till such time as your Honour shall think fit.

Message sent to the House desiring a free Conference about the subject matter of their last message, to which they assented.

May 15. The Committee reported from the above Conference that they had assured the Committee of the House that the Bill appointing Commissioners had been recommitted and would be sent down with amendments with all convenient speed, and if agreed to by them would be passed : that the Board were well pleased with their resolution for the subsistance of H.M. officers and soldiers, and hoped they would " not stent the time for their subsistance for less than 12 months, or some considerable time, that wee may all enjoy a little time to ourselves after the long fateague of attendance. As to the adjournment, we can't think it reasonable to desire a very long one by reason that the Act you have already sent up, which is under the consideration of a Committee as well as the Act the Governor and wee with him desire may be dispatcht, that the Grand Court may without any interruption be held, and then wee shall readily joyne with the desire of your House for such a reasonable time as may be thought convenient, that those gentlemen of your House as well as the members of our owne that have any buisiness at that Court may have that necessary leisure as to mind their private affaires. The Governor assures you by us that his word shall be sacred as that you shall have what time you shall think or desire for the setling the general Acts and Laws of the country etc. upon suteable application." To which the Committee of the House sayd it will be very satisfactory to them to have leave to adjourne for a week by reason the Fleet is speedily to saile, severall merchants and others in the House are soe very much prest by their affaires that they cannot without great prejudice to them attend. But that the bill for making provision for the officers and soldiers will during the adjournment be proceeded in, being already referred to a Committee.

The Governor gave leave to the Assembly to adjourn till Munday next come seavennight. [*C.O.* 140. 6. *pp.* 474–477.]

May 14. Boston. **694.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Council that he had received intelligence from Pennicooke that the Indians were returned to their usual settlement their, and hoped they would be kept in good order. He also communicated a letter from Major March, and another from Capt. Southack, expressed from Cascobay, advising that upon Munday the 10th currant, one Newman, master of a sloop and his company, being four in the whole, as they were cutting of sparrs upon Cousens Island in Casco Bay, were surprized by three Frenchmen and three Indians armed, who killed one of his men, kept two more prisoners, and having rifled the sloop, sent Newman in her to Casco Bay; and that upon his arrival, Major March and Capt. Southack had sent to Moxis and the other Indian Sachems to inform them of what had hapned, and to know whither any of their Indians were actors in the said insult, and whither they countenanced the same; and also made out a party of men to go to the place and bring off the body of the dead man.

86*l.* 1*s.* paid to Saml. Heeling, merchant, for the hire of the sloop *Seaflower* for 2¾ months.

24*l.* 11*s.* 3*d.* paid to Capt. Timothy Clarke for two flaggs by him provided for H.M. Castle 1701 and 1703, and two for the two batterys in Boston.

3*l.* 19*s.* paid to Samuel Gookin, Sherif of Middlesex, for charge of expresses etc. during the Session of Assembly at Cambridge, Oct. 1702.

H.E. and Andrew Belcher were desired to treat for a new boat to be built for H.M. Castle, and to report thereon to the Board.

Accompts of Arthur Mason and Samuel Gookin committed.

H.E. communicated to the Council some passages out of a letter from Lord Nottingham, Nov. 23 last, vizt. that the men sent from New England to the West Indies should not be dispersed on board of the Fleet, but be kept together and returned home again, so soon as the service shall be over; as also an intimation that the squadron in the West Indies would touch at New England in order to their proceeding to the Northward on some further service. [*C.O.* 5, 789. *pp.* 503–504.]

1703.
May 14. **695.** Journal of House of Representatives of New York. Bill to explain an Act to enable towns to build meeting-houses *etc.* was read the third time and sent up.

H.E. sent down a Print from England entituled the Case of William Atwood etc., and another paper said to be a coppy of a petition directed to the Council of Trade and Plantations, containing several scandalous, malitious, notorious untruths and unjust reflections on the persons in the present administration of this Government. Ordered that the papers lie on the table.

May 15. Bill for the better recovery of the forfeiture of 6*l.* *etc.* was read a third time with amendments and agreed to.

The House proposed the appointment of a joint-committee to consider of the print and paper sent down yesterday.

H.E. sent down a draught in parchment and two estimates of two batteries designed to be built at the Narrows, one on Staten Island and the other on the Island of Nassaw. Resolved, that the House will on Tuesday resolve into a Committee of the whole House to consider the same. [*C.O.* 5, 1185. *pp.* 50–52.]

May 15. **696.** Affidavit of George Long, mariner, of Kent. In June, 1694, his father Capt. George Long having built a ship in New England with intent to carry masts etc. for the King's service, hoisted on her, being taken into the King's service, the King's Jack, as was usual at that time by ships so employed, and as she did in several ports after in England. Mr. Usher, being offended thereat, sent his Captain, Mr. Walton, to strike the said colours, which the Captain did, Capt. Long not being then on board. Next day Capt. Long hoisted the Jack again, at which Mr. Usher sent Capt. Walton again to put it down. Capt. Long showed him his authority. Notwithstanding Mr. Usher made an allaram at the Fort, and sent for the trained bands and would have entered them on board, but Capt. Long would not suffer them to enter, and on that he sent for more forces, and after that more from about Dover and Oyster River. Mr. Usher knew there was a warr at that time with the Indians, and that it was a great hazard to call the men from their proper places. The Indians that night fell upon the people about Oyster River, and, the people being gone from the Bank, not far from Oyster River, upwards of 90 souls were killed and carried away, their houses burnt and plundered. Then Mr. Usher dismissed his soldiers and said no more. Mr. Usher used constantly to be fired at the Fort at his coming and goeing out. Deponent lookes upon Mr. Usher to be so uneven a temper and so rash, and has heard most people on the great Island, where Mr. Usher usually resorted at his comeing into the Province, complaine of him, and that he is not fit to govern. If the sence of the People could be known, the greatest part of them would appear against him, especially the most substantial part. Mr. Parker the Lieut. Col. made by Mr. Usher is not the man Mr. Usher represents him, being far from a gentleman of sobriety, and being of a small fortune, litle conduct, and was displaced by the Earl of Bellomont as a man not fit. *Signed*, George Long. *Endorsed*, Recd. Read May 19, 1703. *Copy.* 3 *pp.* [*C.O.* 5, 863. *No.* 31.]

May 16. Boston. **697.** Governor Dudley to the Council of Trade and Plantations. This morning I have the honour of your Lordships' letters of Jan. 26, and though the ships are ready to saile the next tide, I am not willing to omit my duty in acknowledging the receipt thereof, and of your Lordships' favour, particularly, Referring to the Report of the Posture of Road Island, which grows worse every day, as my letter humbly offered with this conveyance will further manifest and referring to the Present made me in New Hampshire, and hopes of a setled salary, which I humbly pray your Lordships will think necessary, that I may support H.M. honour here, and do my duty as I ought. The businesse of Wybird and Walton, I have no need to take any time to give your Lordships account thereof, it being a very wrong information and complaint to your Lordships, and is the same cotton-wool your Lordships wrote formerly off. Those four Baggs of Cotton, which are one of the enumerated commodities, that must not passe, by Act of Parliament, from one Colony to another without a cocquet passport, whereof the words are known and set in all the Custom-house Offices in the Plantations, these baggs were shipt from Boston to New Hampshire, a distinct Province and Government, with no cocquet at all, and so were justly seized, and, my Lords, if upon any pretence we skip over that part of the Act, all will break loose presently. After Sheafe, who is a very good officer, had seized them, the owners thought to save the matter, and sent to Boston before the trial, and got an unusual cocquet from the Deputy-Collector there ex post-facto, saying that the four bags of cotton wool *were duly imported into Boston and exported* from thence, which note was brought to me, being then in New Hampshire, and the date of it, as well as the unusual form, discovered the collusion; upon which I wrote immediately to the Deputy Collector to do the Queen right, and make the Justices of that Court and Government sensible that the wool was not *duly* exported from Boston, the word left out in the aforesaid post-dated cocquet; and he forthwith upon that admonition certified the whole matter, which was reasonable should be known to the people there, but not necessary for the Court to proceed upon, the *onus probandi* of due importation lying upon the Importer; this is all that matter, and the last Court in that Province gave the wool for the Queen without any doubt, though they have again appealed, to end all which I have removed the case into the Court of Admiralty, the Judge whereof is Mr. Atwood's Deputy, who makes no doubt of the forfeiture, but whether he may give judgment in the case, it having been heard in another Court, which I have formerly humbly laid before your Lordships; and your Lordships' Order to me to require the Judge of the Admiralty to proceed upon that, and all other cases wherein H.M. Revenue is concerned, as the Act of Parliament hath provided, will issue all. The four baggs of cotton-wool are not worth 20*l.*, but the dismission

1703.

of them would let loose all the Trade of the Plantations, which has been now forty years in setling. I should be wanting of my duty to H.M. if I should not say all this upon the head of H.M. Revenue, and in justification of Lt. Gov. Partridge's proceeding in that matter. Referring to the suspension of Mr. Jefferies, it was done in my absence, and though I have been there since, was not willing to enter into it, without direction from your Lordships, which now at my next going about a month hence, I shall examine and report, though truly Mr. Jefferies has a great deal of wrong done him, if he do at all love the Crown and Government of England, or the Acts of Parliament referring to Trade, he being represented as the Master of misrule in thoso parts by encouraging a Scotch and Jersey trade, and everything else whereby anything is to be gotten. *Signed*, J. Dudley. *Endorsed*, Recd. June 30, Read July 13, 1703. 3 *pp.* *Annexed*,

697. i. Abstract of preceding. 1 *p.* [*C.O.* 5, 863. *Nos.* 35, 35.i. ; *and* (*without abstract*) 5, 911. *pp.* 87–91.]

[May 16.] **698.** John Usher to the Council of Trade and Plantations. Reply to the Memorial of Mr. Vaughan. He hath the esteem of the major part of the people of the best estates in New Hampshire. His being related to Mr. Allen only by marriage is no legal objection, and cannot affect any law suit there, for Usher cannot be either Judge or of the Jury for determining thereof. He never gavo out the speeches alleged. (2) Denies that by any unjust or rash action any were forced to leave the Province. *Cases* of John Pickering, William Partridge, George Long. Long defying the Government (*see No.* 696), he raised the Militia of the Great Island, and sent to the Bank (but not to Oyster River) for men to assist him to seize Long, but Long in the night-time made his escape. As to person sent to prison at Welchman's Cove, he was a Lieutenant who had contrary to express orders dismissed several soldiers in his own and other garrisons when there was great need of them, for which he was tried by a Court Martial and fined only 20*l.* Usher never dissolved the Assembly purely for differing in opinion from him, but for weighty reasons and regard to H.M. service. He never issued out a warrant or order for pressing any Assembly man, nor did he ever issue out his warrant to press any others but with the advise of the Militia Officers, and when there was great occasion. But confesseth that three great ships appearing on the coast in war time, and when the Assembly was sitting and not knowing whether they were enemies or not, he commanded the Assembly, which was then dissolved, not to depart the Island without leave, and this is the pressing of Assembly men mentioned by the Vaughan. (3) Denies mismanagement of powder. Some few guns were fired two or three times a year by the Captain of the Fort as a piece of respect to him, but without his order. He told the persons who applied for payment for disbursements made before the time of his Government, that they might apply to the King for it. (4) It is a wicked, false and malicious insinuation that the Indians took the advantage of falling on the inhabitants upon the drawing any forces from Oyster River. (5) He did turn Vaughan and Waldron out of the Council, knowing them to be disloyal and disaffected persons to H.M., more especially Vaughan, who had often declared the Government ought not to be in the Crown but in the people. The persons he put in were of sobriety, substance and credit and well affected to H.M., as was the Lt. Col., and the occasion of making him Lt. Col. was because Vaughan, either out of fear or contempt of orders given, refused to march from Dover, or to send relief to Oyster River when the people there were beset with Indians, although Vaughan was at Dover within three miles of the place, and might have come to the timely relief of the poor people there, without waiting for orders, all the Militia officers having before recd. orders to march upon the first notice of the approach of the enemy. (6) On Dec. 13, 1697, he ordered the Militia of Hampton and Newcastle to be in arms to attend the publication of the Peace, and then dismissed them. He turned out the Captain, for refusing to obey orders and being a seditious, turbulent and disaffected person to kingly Government. (7) Denies that all or the greatest part of the matters aforesaid were heard before Lord Bellomont, or that he was ordered or summoned to attend my Lord about them, and saith that if there was any such representation made by my Lord Bellomont, it was done without ever calling this respondent to answer. None of the disorders in the Province were owing to him. (8) Mr. Allen has a right to, and ought to have possession of the waste lands in the Province. *Signed*, Jno. Usher. *Endorsed*, Recd. 16th, Read May 19, 1703. 8 *pp.* [*C.O.* 5, 863. *No.* 32.]

May 17. St. James's. **699.** Order of Queen in Council. Approving Representation of May 13, and ordering draughts of letters to Governor Dudley and Lt. Governor Bennet to be prepared for H.M. signature accordingly, the letter to Capt. Bennet to be sent by an advice-boat in case no other opportunity do offer of one of H.M. frigatts or some other speedy conveyance, for which H.R.H. the Lord High Admiral has been already desired to give the necessary directions. *Signed*, John Povey. *Endorsed*, Recd. Read May 21, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 36; *and* 5, 911. *pp.* 50, 51.]

May 17. St. James's. **700.** Order of Queen in Council. Confirming Acts of the Leeward Islands as recommended in Representation of May 14, *supra*. *Signed*, John Povey. *Endorsed*, Recd. 1st, Read June 8, 1703. 1¼ *pp.* [*C.O.* 152, 5. *No.* 27; *and* 153, 8. *pp.* 194, 195.]

May 17. St. James's. **701.** Order of Queen in Council. Repealing Act of the Leeward Islands to settle General Councils and General Assemblies etc. as recommended in Representation of May 14 *supra*. *Signed*, John Povey. *Endorsed*, Recd. Read May 25, 1703. 1½ *pp.* [*C.O.* 152, 5. *No.* 28; *and* 153, 8. *pp.* 183, 184.]

1703.
May 17. **702.** Memorandum of Order of Queen in Council, May 17, upon a representation of May 13, concerning Governor Bennet. [*C.O.* 37, 4. *No.* 26.]

May 17.
St. James'. **703.** Order of Queen in Council. Confirming four Acts of Jamaica, 1699, according to the Representation of May 14. *Signed*, John Povey. *Endorsed*, Recd. 3rd, Read June 8, 1703. 1½ *pp.* [*C.O.* 137, 5. *No.* 105; *and* 138, 10. *pp.* 475, 476.]

May 18. **704.** The Queen to Lt. Gov. Bennett. Trusty and well-beloved we greet you well; Whereas George Larkin, Esq., sent by our dear brother the late King with commissions under the Great Seal of England, to the respective Governours in our Plantations, as one of the Commissioners for putting in execution the late Act of Parliament for the more effectual suppressing of piracy, and with particular instructions to direct and methodize the proceedings of the Courts that should be held in the Plantations pursuant to the said Act, has complained of your proceedings in imprisoning and detaining him in the Bermuda Islands, which we take to be very irregular, and unfitt toward a person intrusted with so important a Commission, unless for a capital crime or signal breach of the peace; We do hereby signify to you our royal will and pleasure, that you do forthwith release the said Larkin from the confinement you had laid upon him, and assist him in procuring a conveyance for him in order to the execution of his Commission, and taking upon him the office and charge of our cheife Secretary in the Leeward Islands; and we do further direct and require, that you transmit unto us by one of our principal Secretarys of State and to our Commissioners for Trade and Plantations, an account of your proceedings in relation to the said Larkin, that the same may be laid before us, for our royal pleasure. Given at our Court at St. James the 18th day of May, 1703, in the second year of our reign. *Countersigned*, Nottingham. [*C.O.* 38, 5. *pp.* 380, 381.]

May 18
[18th 3m
(May) 1703]. **705.** William Penn to the Council of Trade and Plantations. Your Letter is with me, to wch. I humbly offer, that I think I have said enough for you to lay before the Queen in Genll., and that her answear, before perticulers, may be ye best way to proceed with you. I beg this may not give any disgust, or obstruct the progress of ye buisness, intending neither insincerity or delay, for if the Queen should not encline to such a Treaty, I should be sorry to goe further, or be perticuler, and I beleive some of ye Ministry will not think it unreasonable. I am, your Respectfull Frd., *Signed*, Wm. Penn. *Endorsed*, Recd. 17th, Read May 20, 1703. *Holograph.* 2 *pp.* [*C.O.* 5, 1233. *No.* 47; *and* 5, 1290. *pp.* 315, 316.]

May 18.
Admiralty
Office. **706.** J. Burchett to Mr. Popple. H.M.S. *Centurion* is ordered for Plymouth to the Downes; from thence she will take her departure for Newfoundland, and call at the Ports in her way for such trade, if any, as shall be ready to accompany her.

1703.

Signed, J. Burchett. *Endorsed*, Recd. Read May 19, 1703. *Addressed*. *Sealed*. ½ *p*. [*C.O.* 194, 2. *No.* 121.]

May 18. **707.** Minutes of Council [*in Assembly*] of Barbados. H E. having received the oath in the Act of Succession, subscribed the same, as did the members of Council.

Proclamation ordered, that all persons that shall arrive at this Island forthwith repair to the several persons as shall be appointed in the respective places of their landing, and give an account from whence they came, and answer all such questions as shall be reasonably demanded of them, upon oath or otherwise, and that noe person within this Island presume to entertaine any such person or persons until they have so done, and shewed a certificate thereof from the person appointed to examine them, as they will answer the contrary at their utmost peril, and that the persons that so examine them forthwith give an account thereof to H.E.

Proclamation ordered to be drawn up for the encouragement of piety and virtue, and for discouraging and suppressing of vice and immorality, to be publisht in the several Churches.

Writ issued for choosing a Member of Assembly for the parish of St. George in room of Miles Toppin.

The Assembly attending, H.E. addressed them, and was answered by the Speaker. They took the oaths appointed *etc.*

The Speaker requested H.E. whether he would provide a house for himself by accepting of an equivalent, or leave it to them to provide one for him. H.E. said he would accept of the first, if it was as agreable to them. The Assembly withdrew, and sent up a Message desiring H.E. to accept of 500*l.* per annum for that purpose; and that they had not time to draw up an Act this sitting, but would do it at their next meeting, this day three weeks. [*C.O.* 31, 8. *pp.* 28–30; *and* 36–39.]

May 18. **708.** Journal of Assembly of Barbados. The late Speaker's time being expired, Thomas Maxwell was again elected Speaker. The House waited on H.E., who gave them his instructions that all the Members ought to take the oath appointed by the late Act of Queen Anne, which was accordingly done.

H.E. also communicated his Instructions that a fitt and convenient house be provided for H.E., and proposed that the duety of such wines as he hath brought with him may be remitted; that an Act to revive the Grand Sessions be drawn according to the report of the Attorney and Solicitor General, against the next Session of this House.

Resolved that 500*l.* per annum during H.E.'s Government and aboad on this Island be presented to H.E. for provision of a house for him, and that an Act be drawn accordingly. This resolve was sent up.

Upon the petition of Saml. Cox for leave to withdraw two petitions of his that lye before this House, for that there have happened some mistakes in the transcribing the accounts annexed, resolved that he may have copies, but that the originals remain in the custody of the Clerk of the Assembly.

The report of the Attorney and Solicitor General upon the Act about the General Sessions was read. Ordered that the Clerk of the House do inspect the whole matter, and prepare a Bill to supply the defects thereof by the next sitting. This resolve sent up.

The House adjourned till June 8. [*C.O.* 31, 7. *pp.* 55–57.]

May 18. **709.** Journal of House of Representatives of New York. Bill for the more speedy recovery of the forfeiture of 6*l.* *etc.*, was read a third time and sent up.

The estimates for building the batteries (May 15) were considered in Committee.

May 19. Bill for the better establishment of the Minister of New York was read a third time with amendments and agreed to.

Bill for declaring the illegality of the proceedings against Col. Nicholas Bayard and Alderman John Hutchins for pretended High Treason, and for reversing and making null and void the said judgments and all proceedings thereon, was sent down, and read a first time.

The House resolved into Committee and considered the report of the Commissioners of Accounts.

May 20. Bill declaring the illegality of the proceedings against Col. Bayard *etc.* read a second time.

The House resolved into Committee and further considered the estimates for building two batteries. [*C.O.* 5, 1185. *pp.* 52–55.]

May 19. Admiralty Office. **710.** J. Burchett to Wm. Popple. Understanding from Lord Nottingham that the Council of Trade and Plantations have occasion to send money to Newfoundland for purchasing malt for the Land forces there, I am commanded by the Prince to write to you to know to whom they would have the money delivered there. *Signed*, J. Burchett. *Endorsed*, Recd. Read May 20, 1703. *Addressed.* *Sealed.* 1 *p.* [*C.O.* 194, 2. *No.* 122; *and* 195, 3. *p.* 228.]

May 19. **711.** Copy of Report of some Members of the Council of New Hampshire to Governor Lord Bellomont in answer to Mr. Usher's charge against them, and complaining of his conduct. Oct. 3, 1701. *Endorsed*, Recd. Read May 19, 1703. 8 *pp.* [*C.O.* 5, 863. *No.* 33.]

May 19. **712.** Copy of Warrant by Lt.-Gov. Usher to Capt. Everden to bring his vessel against Newcastle to check a threatened insurrection. Sept. 30, 1696. *Signed*, John Usher. *Endorsed*, Recd. Read May 19, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 34.]

May 19. Wednesday morning. **713.** The Lord Treasurer to the Earl of Nottingham. Having just now received a flat refusall from the Board of Ordnance to concern themselves about the providing a boom for the service

1703.

of Newfoundland, I ask pardon of yr. Lordship for presuming I had any credit with them, and transmit their answer to yr. Lp., that you may please to send for the Navy board and them together and acquaint them both with H.M. pleasure in that matter. *Signed*, Godolphin. *Addressed. Holograph.* 1 *p.* [*C.O.* 194, 22. *No.* 5.]

May 19. **714.** Copy of H.M. Letters Patents constituting Robert Stewart Register of the Chancery and Clerk of the Crown in Barbados. Nov. 27, 1702. *Countersigned*, Wright. *Subscribed*, Approved of, May 19, 1703. *Signed*, Bevill Granville. [*C.O.* 319, 1. *pp.* 88, 89.]

May 19. Whitehall. **715.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet, May 18, read.

Mr. Usher's answer to Mr. Vaughan having been brought to this office since the last meeting, and a copy delivered to Mr. Vaughan, was read. Mr Usher and Mr Vaughan attending with Counsel, both sides were heard. Mr. Vaughan's Counsel insisted that Mr. Usher's conduct whilst he was formerly Lieut. Governor of New Hampshire had so offended the people, and his interest, as Mr Allen's son-in-law, to set up a title to their lands was so opposite to the interest of the whole country, who had been above 60 years in possession of those lands, that it had set their minds against him, so that it must needs be thought very unfit for him to be made their Governor. Some of the instances of his unfit conduct were his pressing Assembly Men who had not voted to his mind to take arms; his violent and arbitrary proceedings towards Capt. Long; his stopping Mr. Martin, master of another ship; his turning Mr Vaughan and others out of the Council upon false or frivolous pretences; his forcing divers inhabitants upon occasion of his differences with Long, Martin etc., from those stations when their presence was necessary, and thereby exposing the country to the insults of the Indians; his imprisoning Mr. Pickering and others for not obeying his arbitrary commands. Affidavits etc. were produced. In answer it was offered that as to Mr. Allen's title, Mr. Usher could have no authority by his Commission to injure the inhabitants, but that their partiality hitherto in frustrating the effect of any trials that had been endeavored to be prosecuted concerning that title had made it absolutely necessary that somebody should be commissioned who would take care that Justice should have its course. That as to Long's business, he never produced any authority to wear the King's Jack, and therefore Usher, who had a Vice-Admiralty Commission, was in the right to inspect that matter; that Mr. Vaughan and Mr. Gerish, two of the persons imprisoned for not obeying orders were really faulty; the first in not marching according to the directions that had been given, the other in marching out of the Province without any direction; that the turning Vaughan and others out of the Council was (amongst other reasons) for their having refused to take the oaths and sign the Association; that

1703.

Pickering did refuse to deliver the Records of the Province which were in his hands to Mr. Davis, appointed Secretary by the King's Commission; that the men he is said to have called away from their station upon occasion of these troubles was not from Oyster River, the place where the Indians did the mischief, but from another place called the Bank, and that the occasion of that mischief was in great measure owing to Mr. Vaughan's neglect of his duty in not going to their assistance; that as to the stop of Mr. Martin's ship, it was done that he might take with him the despatches for H.M. service, which Usher was then preparing. The other side replied, that the refusal of Mr. Vaughan and others to take the oaths etc. was not from any scruple upon account of dissaffection to the Government, but because of the persons commissioned by Mr. Usher to administer the same, who were their enemies, and that they did take the said oaths and subscribe *etc.* before Justices of the Peace; and as to Mr. Pickering, he being both Secretary and Recorder, he did deliver up to Mr. Davis the papers belonging to the Secretary's Office, but not those belonging to the Recorder's Office, and was not therefore in any fault.

May 20. Letter from Mr. Burchet, May 19, read.

Letter from Mr. Penn read.

Upon consideration of the hearing yesterday relating to Mr. Usher, their Lordships perused some part of Lord Bellomont's Report and other papers concerning the disorders in New Hampshire.

May 21. Upon occasion of Mr. Burchet's letter of May 19, ordered that Mr. Thurston enquire at the Victualling Office as to the value of the malt sent annually to Newfoundland.

Upon occasion of Mr. Burchet's letter of May 18, relating to the *Centurion's* being appointed for Newfoundland, ordered that the Secretary signify the same to Mr. Merrit and the Mayors of the Western Ports.

Letters to various Governors concerning the Quota signed.

Order of Council, May 17, with letters signed by H.M. read.

Ordered that the letters for Col. Dudley be sent him by the first convenient opportunity, and that that for Capt. Bennet be sent to Mr. Burchet to be forwarded according to the direction of the Order in Council.

Upon occasion of Mr. Penn's Letter of May 18, letter ordered to the Earl of Nottingham. The Secretary to acquaint Mr. Penn therewith.

Petition from Lady Bellomont read. Directions given for a letter to Lord Nottingham upon that subject. [*C.O.* 391, 16. *pp.* 113–123; *and* 391, 97. *pp.* 379–393.]

May 20.
St. John's in Newfoundland.

716. (Capt.) A. Richards to [? *the Earl of Nottingham*]. Being inform'd that a report has been of the French haveing destroyed the Country this winter, do think it proper to acquaint your Lordship that except a straggling party of fishermen, under thirty, which formerly I mentioned in a letter to the Board of Ordnance the French have not stir'd the least: on the contrary we have had so early a sett of good weather that forwarded our work so much, as not to question but to have it in a good posture of defence this sommer. The beginning of this month I sent to sea what ships at Plasentia, and there was only one ship and a small vessel, and since another ship which pass't by us. A small spy-boat lyes off to ye southerd: whether to look into our out harbours or to waite for their own ships, I can't tell. The ninth of March I sent a boat with six souldiers and three Furriers to get knowledge of those Harbours the French use to the Norward of us, according to the proposall of Capt. John Leake the last Commander; we shall expect them in six or eight weeks, hopeing they will pass unseen. God send us good news and soon from England. The help and countenance of a small frigott [? *would*] give fresh vigour to our proceedings and to the country in generall. *Signed*, A. Richards. *P.S.*—I have formerly suffered so much by the cold espetially in my hands, which is the reason I did not write to your Lordship myselfe. A.R. *Endorsed*, R. July 23. 1703. $2\frac{1}{4}$ *pp.* [*C.O.* 194, 22. *No.* 6.]

May 20. Boston. **717.** Minutes of Council of the Massachusetts Bay. Upon hearing the complaint of John Whitney, being imprisoned by the Constable of Framingham for his proportion assessed upon him to a town tax by the Selectmen of Framingham, notwithstanding an order of this Board Nov. 3, 1702, that Whitney be in peace until it be determined to what town he belongs, he being one of the 17 familys intended in the said Order, as lying in dispute whether they belong to the Town of Sherborn or Framingham; the Selectmen of Framingham being also fully heard, Resolved, that Whitney is illegally imprisoned, and ordered that he be discharged and left to his remedy at law.

10*l.* 2*s.* 4*d.* paid to Arthur Mason for storing public powder.

101*l.* 2*s.* 1*d.* paid to Capt. Southack for provisions taken up for the *Seaflower*.

48*l.* 7*s.* 6*d.* paid for wages due to Capt. Andrew Wilson and 24 *mariners of the Greyhound*.

H.E. communicated to the Council a Representation made to H.M. by the Council of Trade and Plantations upon his report of the refusal of the Government of Rhode Island to yield obedience to H.M.

Commission to H.E. for the command of the Militia etc. [*C.O.* 5, 789. *pp.* 508, 509.]

May 21. Whitehall. **718.** Council of Trade and Plantations to William Penn. H.M. having been pleased to direct us to renew the orders which have been formerly given to severall Governours and Proprietors of Plantations relating to the assistance to be by them contributed towards the charge of maintaining and erecting Forts necessary for the security and defence of the Province of New York, in the repartition whereof the sum required to be furnished by H.M. Province of Pennsylvania was 350*l.* *sterl.*; we doe hereby remind you of his late Majestie's letter of Jan. 19, $170\frac{2}{1}$, upon that subject. And whereas there has not hitherto been any complyance made in Pennsylvania with the directions there given, we do further signify to you H.M. pleasure that you give strict charge to your Deputy Governour in that Province, that [*he*] use his utmost endeavours with the Councill and Assembly there, to induce them to an effectual complyance with the said directions, and that you cause an account of his proceedings and success to be transmitted to us with all speed. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 1290. *pp.* 316, 317.]

May 21. Whitehall. **719.** Council of Trade and Plantations to the Governor and Company of Connecticot. H.M. having been pleased to direct us to renew the Orders which have been formerly given to several Governours and Proprietors of Plantations relating to the assistance to be by them contributed towards the charge of maintaining and erecting Forts necessary for the security and defence of the Province of New Yorke, in the repartition whereof the same required to be furnished by H.M. Colony of Connecticut was 450*l. sterling ;* we doe hereby remind you of his late Majestie's letter of Jan. 19, 170$\frac{0}{1}$, upon that subject. And whereas there has not hitherto been any complyance made in Connecticut with the directions then given, we doe farther signify to you that H.M. expects your effectuall complyance therewith as a matter highly important to your own safety as well as to the security of H.M. other Plantations in those parts ; and that you therefore transmit to us an account of your proceedings therein by the first opportunity. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 1290. *pp.* 318, 319.]

May 21. Whitehall. **720.** Council of Trade and Plantations to Governor Lord Cornbury. H.M. having been pleased to direct us to renew the orders which have been formerly given to several Governours and Proprietors of Plantations relating to the assistance to be by them contributed towards the charge of maintaining and erecting Forts necessary for the security and defence of the Province of New York, in the repartition whereof the sum required to be furnished by the Provinces of East and West New Jersey was for each of them 250*l. sterling :* and the same Provinces being now united, and by H.M. Commission put under your Government ; but no advance having been hitherto made there towards a compliance with the directions which were given by his late Majesty to the Earl of Bellomont, Jan. 19, 170$\frac{0}{1}$; we do here inclose a copy of H.M. said letter, and further signify to your Lordships H.M. pleasure that you use your utmost endeavours with the Council and Assembly of New Jersey to induce them to an effectual compliance with the foresaid directions, in raising and remitting to New York the summe of 500*l. sterling* as formerly required towards the charge necessary for the security of that Province ; and your Lordship is thereupon to give us an account of your proceedings and success in this service. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 994.A. *pp.* 132, 133.]

May 21. Whitehall. **721.** Council of Trade and Plantations to Governor Nicholson. H.M. having been pleased to direct us to renew the orders which have been formerly given to several Governours and Proprietors of Plantations relating to the assistance to be by them contributed towards the charge of maintaining and erecting Forts necessary for the security and defence of the Province of New York, in the repartition whereof the summe required to be furnished by H.M. Colony and Dominion of Virginia was 900*l. sterling ;* It is requisite that we remind you of his late Majestie's letter of Jan. 19, 170$\frac{0}{1}$, and of H.M. letter of June —, 1702, upon that subject. And whereas we have not hitherto been informed of any complyance made in Virginia with the directions then given, nor have received from you any account of the disposition of the Assembly upon H.M. said gracious letter, we doe hereby signify and repeat to you H.M. pleasure that you continue to use your utmost endeavours with the Assembly, to induce them to an effectual complyance with the directions formerly sent you in that behalf ; which H.M. does accordingly expect from you and them, and that you transmit to us an account of your proceedings and success in this service, by the first opportunity. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5. 1360. *pp.* 368, 369.]

May 21. Whitehall. **722.** Council of Trade and Plantations to Governor Seymour. H.M. having been pleased to direct us to renew the orders which have been formerly given to several Governours and Proprietors of Plantations. relating to the assistance to be by them contributed towards the charge of maintaining and erecting Forts necessary for the security and defence of the Province of New Yorke, in the repartition whereof the summe required to be furnished by H.M. Province of Maryland was 650*l. sterling*, we herewith send you a copy of his late Majesty's letter of January 19, 170$\frac{0}{1}$, to Colonel Blakiston upon that subject. And whereas we have not been informed of a due complyance made in Maryland with the directions then given. we do hereby signify and repeat to you her Majesties pleasure, that upon your arrival in that Province you use your utmost endeavours with the Councill and Assembly to induce them to an effectuall complyance therewith, and that you transmit to us an account of your proceedings and success in that service. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt. Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 726. *pp.* 260, 261.]

May 21. Antigua. **723.** Mr. Larkin to the Council of Trade and Plantations. Upon a letter from the Secretary of Barbadoes intimating that I was appointed Secretary of this and the rest of the Leeward Islands, the Governour of Bermuda set me at liberty without giving any manner of security or laying me under any obligation. I arrived here on the 13th. where I found General Codrington in a very miserable condition, having lost his eyesight, and use

1703.

of his limbs, the former begins to return to him again, and as soon as he's in a condition, he intends to give your Lordships an account of his expedition at Guadaloupa. Since my coming here I have look't into the Secretary's Office, and pardon me for telling your Lordships that it may be more properly called a chaos of confusion than an office, for one may almost as soon find a needle in a bottle of hay as a Record of eight or ten years standing. Twelve months time will not sett it to rights. It hath heretofore indeed been a fine employment, but the fees are reduced, and tho' the Act's expired, the same fees are continued by Order of Council, and one hath run away with [*an*] arm, another with a leg. that there's so many branches lopt from it, that the person who now officiates hath been with me to surrender it, as not thinking it worth his time. I can never sufficiently acknowledge the obligations I am under to your Lordships for having me in your thoughts during my absence, however I shall always be thankfull and ready to court every occasion to show my zeal for your Lordships' service. My patent is not yet come, and I wait here for a passage with Admiral Graydon to Jamaica, whom we have an account is arrived at Barbadoes. *Signed*, Geo. Larkin. *Endorsed*, Recd. Read July 19, 1703. 1 *p.* *Annexed*,

723. i. Abstract of preceding. 1 *p.* [*C.O.* 152, 5. *Nos.* 29, 29.i. ; *and* (*without abstract*) 153, 8. *pp.* 201, 202.]

May 21. Whitehall. **724.** Council of Trade and Plantations to the Earl of Nottingham. Having received a letter from Mr. Penn relating to the surrender of his Government of Pennsylvania, to which we have returned an answer, and received his reply thereunto, which we conceive to be such as that we cannot make any further progress in that affair without H.M. directions, we send your Lordship the copies of all the said letters here inclosed for H.M. pleasure accordingly. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 *p.* [*C.O.* 5, 1233. *No.* 48 ; *and* 5, 1290. *p.* 320.]

May 21. **725.** Katherine, Countess of Bellomont, to the Council of Trade and Plantations. Petition referred to May 24. *Endorsed*, Recd. Read May 21, 1703. 1¾ *pp.* [*C.O.* 5, 1048. *No.* 56 ; *and* 5, 1119. *pp.* 483–485.]

May 21. **726.** Journal of House of Representatives of New York. Bill for the better establishment of the maintenance for the Minister of New York read a third time, and sent up.

Bill declaring the illegality of the proceedings against Col. Bayard *etc.* was read a third time and sent up without amendments.

May 22. The House went into Committee to consider the estimates for building two batteries, and upon report thereof, the House resolved that H.E. be assisted in the erecting of them ; that 1,500*l.* be raised to be applied towards the erecting them, and for no other use whatsoever ; that H.E. be humbly addressed setting forth the present state of this Colony, the poverty and incapacity of the people to raise money for perfecting those fortifications, and to pray H.E. to intercced with H.M. for her gracious support at this juncture, and the assistance of the neighbouring Colonies, who will reap the benefit of the security intended by those batteries. [*C.O.* 5, 1185. *pp.* 55–57.]

May 22. Whitehall. **727.** Earl of Nottingham to the Council of Trade and Plantations. I send you herewith some papers which I received from Collonel Nicholson, relating to the proceedings in Virginia. I likewise send you the extracts of some letters I received from Jamaica, as likewise an account of the proceedings of the Assembly at Jamaica, containing the reasons of the Act for removing to Kingstone in that Island, and this I do because in your Representation of Aprill 27, you mention that you had not received a sufficient account of the motives obliging the Assembly to this change. I desire you will return to me the Proceedings of the Assembly when you have done with it. *Signed,* Nottingham. *Endorsed,* Recd. Read May 24, 1703. 1 *p.* *Enclosed,*

727. i. Extract of Letter from Col. Handasyd, St. Jago. Feb. 2, 170⅔. ½ *p.*

727. ii. Extract of Letter from Capt. Lilly, Jamaica, Jan. 30, 170⅔. 1 *p.* [*C.O.* 137, 5. *Nos.* 104. 104.i., ii.; *and* 138, 10. *p.* 470.

May 22. Whitehall. **728.** William Popple to William Penn. In answer to your letter of the 18th instant, I am ordered by the Council of Trade and Plantations to acquaint you, that not finding themselves thereby enabled to make any further progress in the proposal you made them relating to your surrendring the Government of Pennsylvania to the Crown; they have sent a copy of that letter and of your former of the 11th together with mine to you of the 12th instant, to the Earl of Nottingham, for H.M. pleasure. [*C.O.* 5, 1290. *p.* 321.]

May 23. St. Jago de la Vega. **729.** Lt.-Gov. Handasyd to the Council of Trade and Plantations. I send your Lordships herewith the Minutes of the Council by wch. your Lordships may see the difficulties that they and I have lain under with this present Assembly. I hope by the next to be able to send you the Minutes of their House, but as yet cannot obtain them, by which you'll plainly perceive how the Island is like to be managed if left to their humours, altho' now they seem to be better humoured, and I hope time and their own reason will convince them of their mistakes, to wch. I shall contribute all that lies in my power. I haveing requested nothing of them (which your Lordships will see by my first and second Speech) but what is for the honour of H.M. Crown and dignity and their own preservation. The chief thing they demurr at is the quartering of the officers and soldiers that are left of the two regiments, and without quarters it is impossible for them to subsist, for lodgeing alone to anything below a Captain is more

1703.

then H.M. subsistence, none being to be had under 20*s.* per week besides meat, drink and clothes, all which are extravagantly dear in these parts. The Island is at present in a very healthy condition, but we have frequent earthquakes, wch. are a great terrour to us. As to our strength in white men, it consists of about 3,500, the two Regiments exclusive, who are harrassed very much with continuall duty upon Land, besides a third part of them allways at sea on board H.M. Fleet, who are but thinly mann'd. I am in great hopes of a happy conclusion of this Assembly. *Signed,* Tho. Handasyd. *Endorsed,* Recd. Aug. 16th, Read Sept. 9, 1703. *Addressed. Sealed.* 1 *p. Enclosed,*

729. i. Abstract of preceding. 1 *p.*

729. ii. Memorandum of Minutes of Council of Jamaica, April 13 —May 15, 1703. ¼ *p.* [*C.O.* 137, 5. *Nos.* 106, 106.i., ii.; *and* 138, 11. *pp.* 3, 4; *and* (*abstract only*) 137, 41. *pp.* 9, 10.]

[May 24.] **730.** Joseph Smith to John Usher. Hampton, Sept. 22, 1701. The news of your going to England puts our little men of power in great consternation. Nothing suits their book but what is cookt at Boston. The honist people rejoice that your Honour will undertake that affair, for never was a Gentleman so basely abused as Col. Allen by a company of insiped annimals not worthy to be his servants *etc.* As for the old Revolution pillars among us, they begin to shake and tremble at the news of Col. Dudley's coming Governor, and some of our little justices (I hear) with eyes lifted up cry Poor New England hath seen its best days; now, Popery will be brought into this land of uprightness, and yet we shall find these Shimeis with a doeg's heart will be the first that congratulate his happy arrival. Pray God send him safe to us and the sooner the better, for the poore people groan under the burden of taxes, there having been twice the money raised in three years of Governor Partridg, all though it hath been peace, then was in six years of Governour Allen and your Honour in a time of war, and fourty men kept in pay and the Kourt new built, thay haveing gott such a number of men for their turn, wch. they call an Assembly, which the greatest part of them have been kept in ever since my Lord coming, and Mr. Speaker is Treasurer, who hath a twentieth part of all the money that he rayseth; and if they find any member not for their turn, they purge ye house of him and sends another, which is chose by a small number, the rest never having notice. One in our town was chose with but six votes, where the number of freeholders is neer 200, and have now lately passed an Act for raysing 550*l.* *etc.*, but we hear nothing of repairing the port or making good stores, which there is need of doing, if reports be true *etc.* *Signed,* Joseph Smith. *Endorsed,* Recd. from Mr. Usher. Recd. Read May 24, 1703. *Holograph.* 2 *pp.* [*C.O.* 5, 863. *No.* 37.]

May 24.
Whitehall.
731. Council of Trade and Plantations to the Earl of Nottingham. Having received a Petition from the Countess of

Bellomont [*May* 21], setting forth that it is not possible the accounts of the late Earle of Bellomont whilst he was Governour of New Yorke, can be adjusted and notice thereof arrive at New Yorke before the time directed by H.M. for suspending all prosecution against the security she had given for her appearance there (which was for six months from April 6 last) be expired, and thereupon praying for a longer respit of all prosecution against her said security; we acquaint your Lordship that the ships, by which the papers relating to the said accounts were transmitted to the Lord Cornbury, having staid some months longer than was expected, and being but lately sailed for those parts, we are sensible that the said accounts (upon which we do expect a report from the Lord Cornbury) cannot well be adjusted in the time already allow'd, for stopping the foresaid prosecutions, and thereupon do pray your Lordship to move H.M. that her pleasure may be signifyed to the Lord Cornbury for prolonging the said term for six months longer after the expiration of the six months already granted. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. [*C.O.* 5, 1119. *pp.* 485, 486.]

May 24. Whitehall. **732.** Journal of Council of Trade and Plantations. Letter from the Earl of Nottingham read, enclosing duplicates from Virginia, and some letters and Minutes of Assembly from Jamaica; which Minutes being not included in those transmitted to this Office, ordered that a copy be taken thereof.

Letter from Lt.-Gov. Handasyd, March 30, read, and papers enclosed laid before the Board.

Letter from Governor Nicholson, March 13, read, and papers enclosed laid before the Board. The Three Addresses enclosed were sent to Lord Nottingham, and the proceedings relating to Capt. Moody ordered to be sent to Mr. Burchet.

Letter to Lord Nottingham signed.

Mr. Usher laid before the Board a letter from Mr. Joseph Smith, New Hampshire, Sept. 22.

May 25. Ordered that the Minutes of Assembly of Jamaica *referred to above* be returned to Mr. War.

Mr. Thrale acquainted the Board that he has now brought hither a box containing one suit of the clothing sent to New York by Mr. Champante, which the Lord Cornbury has returned as a pattern of the rest. Ordered that Mr. Champante have notice to be here on Thursday next, that the said box may be opened and the cloths viewed in his presence.

Orders of Council, May 8 and May 17, relating to Acts of the Leeward Islands laid before the Board.

Draught of a letter to Col. Codrington agreed upon.

Letter from Capt. Bennet, Dec. 24, with enclosures, laid before the Board.

Letter from H.M. to Capt. Bennet sent yesterday to Mr. Burchet for conveyance was now received back from him, with intimation that there will be no opportunity of sending it thither by any vessel of H.M. in considerable time; whereupon

1703.

directions were given for preparing a letter from the Board to Capt. Bennet. wherein to inclose it, as likewise another to Mr. Larkin, and further a letter to the Governour of Barbadoes, wherein to inclose them both. [*C.O.* 391, 16. *pp.* 124–134; *and* 391, 97. *pp.* 395–403.]

May 24. **733.** Journal of House of Representatives of New York. Message sent down from H.E. and Council desiring the concurrence of the House with that Board in forming and signing an Address to her most sacred Majesty congratulating the late glorious successe of H.M. arms both by sea and land, to which the House agreed.

The House resolved into a Committee to consider the report of the Commissioners of Accounts.

May 25. Committee appointed to inspect the fees taken by the respective Officers of this Government, reported that they had agreed to a catalogue of what fees they judge reasonable to be taken by the several offices and officers in the Government, and that no more be taken for any service therein mentioned than what is there allowed upon the penalty of 10*l.*, but in case any other service shall happen to arise or necessary to be done in any Court or Courts within this Colony omitted to be recited in the said catalogue, all fees so arising shall be taxed by the discretion of the Judges and Justices in each respective Court in proportion with the establisht fees, provided the said supplement stand in force for two years and no longer. This was read, and recommitted to the same Committee.

An Address to H.E., *ordered May* 22, was read and ordered to be engrossed.

May 26. The House agreed to the report of the Committee on Officers' fees and ordered a bill to be prepared accordingly.

Joint-Committees appointed to draw up Addresses to H.M. congratulating the successes of her arms and setting forth the hardships of this poor Province *etc.*

The House went into Committee to consider of ways and means to raise 1,500*l.*, and, upon report, it was resolved that it be raised by a poll-tax and other ways: vizt., Every person having the honour to be of H.M. Council 40*s.*, every Representative 20*s.*, every practitioner in the law 20*s.*, every person that wears a peruwigg 5*s.* 6*d.*, every batchelor above the age of 25 2s. 3*d.*, every other freeman from 16 years to 60 9*d.*, the master or mistress of every slave, for each slave from 16 to 60, 12*d.*, and every gallon of spirits distilled in this Province from anything but grain to pay 3*d.* until March 25. Ordered that a Bill be brought in accordingly.

Upon report of the Committee, the bill for setling the estate of David Briggs was read (*a third time*), and ordered to be engrossed.

A motion was carried that a bill be brought in to oblige those persons to pay the arrears of taxes formerly imposed for building a Fort at Onnondage, and that the same be applied toward the building and repairing the Fort at Albany and fortifications on the frontiers. [*C.O.* 5, 1185. *pp.* 57–63.]

1703.
May 25. **734.** Mr. Thurston to Mr. Popple. I pray you will acquaint the Lords Commissioners for trade that the quantity of malt necessary for 92 men (the number of the company at Newfoundland) for one year, is 84 quarters, which at 18*s*. a quarter, the present price of that commodity) comes to 75*l*. 12*s*., that their Lordships may be pleased to give directions to whom that money is to be consigned, as also the subsistance and pay of the company, amounting to 700*l*. and upwards, issued in advance to Christmas next coming. I pray their Lordships may also know that the Lord Treasurer has ordered 50*l*. for contingencies, and directed that the medecines be payed for by a deduction of half a farthing a day out of the pay of the soldiers, but has not thought fit to admit of annual muster rolls (tho' no other rolls have hitherto been taken, nor can possibly be but when the Commodore for the year is upon the place, without danger of foul practice), whereby the company which has never yet been cleared, will be still further postponed, as to that matter unless their Lordships will be pleased, in compassion to them, once more to interpose on their behalf. The enclosed is a particular of cloathing etc. which is now by order to be sent them; and that the same may pass custome free, I beg a line from you to Mr. Lownds, as has been yearly done, as likewise to the Admiralty for directions to the Captain of the *Centurion*, or other man-of-war appointed for Newfoundland, to receive the money into his care. *Signed*, J. Thurston. *Endorsed*, Recd. Read May 27, 1703. 2 *pp*. *Enclosed*,

734. i. List of the cloathing and arms provided for the Company at Newfoundland. [*C.O.* 194, 2. *Nos.* 123, 123.i.; *and* 195, 3. *pp.* 229, 230.]

May 25.
Whitehall. **735.** William Popple to Josiah Burchet. The Council of Trade and Plantations having received from Governor Nicholson a journal of the proceedings of H.M. Council and himself relating to Capt. Moody, transmit the same to you for the information of H.R.H. Council. [*C.O.* 5. 1360. *p.* 380.]

May 25.
Barbados. **736.** Copy of H.M. Letters Patent constituting Alexander Skene Secretary of Barbados. May 8, 1702. *Countersigned*, Wright. *Subscribed*, Allowed and approved of, May 25, 1703. *Signed*, Bevil Granville. [*C.O.* 319, 1. *pp.* 83–85.]

March 5—
May 25,
170$\frac{2}{3}$. **737.** Copy of Commodore Walker's Journal relating to the Expedition to Guardaloupe. "Boyne's Journal, Remarkable Observations and Accidents." *March* 5. Yesterday evening the *Yarmouth* and *Cumberland* anchored at Antigoa and brought with ym. the ships I sent for from Nevis. And this morning haul'd home foretopsail sheets, and sent my barge for the General. There is a report that my Lord Peterborough is arrived in the West Indies, but the story carries no probability with it. *March* 6. Yesterday at 3 afternoon made the signall to weigh, att 5 got under sail, this morning finding myself a pretty way to Leeward of Guardaloupe, crowded sail, and at noon having

kept plying to windward was as per cont., but could not see the *Anglesey*. *March* 7. Continue to ply off and on here in expectation of the *Anglesey*, and the rest of the ships joyning us with their land forces. *March* 8. Yesterday about 2 p.m. standing close into a Bay to the N'ward of Basseterre, thought of anchoring there, but found the water too deep: for we had no pilates that were acquainted anywhere along the coast, therefore tow'd off to sea again, but being so close in the enemy fired several shot at me from three several places in the Bay, where they had guns; they wounded a boy and killed one man, but I recd. no damage in the ships. Having made a general signal, the Capts. of men-of-war and land forces came aboard, and then I gave orders to Capt. Martin to sail in search of the *Anglesey* etc., it being concluded by the General and the rest of the Land Officers not to attempt anything till all the Land forces were together. This morning saw the *Cumberland* near us having been calm all night. The General had news of the *Maidstone* by a sloop that left him at Marygallant. *March* 9th. The *Maidstone* joined us, and a Dutch privateer sloop came into sight of the Fleet, but at first I thought her a French sloop because she endeavoured to get away. I find a current setting strong to the N'ward. *March* 10. Yesterday afternoon the Dutch privateer being come into the fleet, he was sent into the shore with men and boats to burn some houses and plantations. At 5 a clock I anchored in Guavas Bay, the *Anglesey*, *Cumberland* and *Burford* together with the rest of the briganteens and sloops plying to windward with all the Creole Regiment commanded by Col. Byam of Antegoa. All the ships with me anchored here, and several houses and plantations having been burnt by the party sent ashoar at 9 they came aboard. This morning more soldiers were sent ashoar, who burnt several houses and plantations along the sea-side, but blowing hard, the *James* and *Sarah* drove, and having overlayd it, cut my stream cable, wch. forced me to sea. And a strong northern current running, I was obliged to anchor again to prevent my driving in amongst the ships at anchor in the Bay. At 10 I made the signal to weigh, and at noon got to sail. The General, notwithstanding his being importuned by all the Land Officers as well as myself, would not consent (tho' all the forces were now together) that a Council of War should be held to consider of the method and manner how the descent should be made: but deferred it till we should anchor further to the Southward. *March* 11. Capt. Fairborne in the *Maidstone* yesterday in the evening came into this Bay to try what anchoring there was, and anchored off the Southward house, from whence the enemy fired small shot at him and wounded several of his men. This morning he fired upon the enemy, and they quitted the watch-house. Between 9 and 10 I anchored, and the enemy supposing we designed to land there had drawn down some soldiers, who lay behind certain breastworks, but I fired several guns to the shoar, and soon after they dispersed and left the place, retiring farther into the country. The Creoles that were ashoar, as we sailed from Guavas Bay hither, marched along the sea-side burning all the houses and settlements in their way. At noon I made a signal for a General Consultation. *March* 12. Yesterday afternoon I brought a spring to my cable, and heaving my broadside to the shoar, fired upon the enemy and forced them to quit all their breast-works near the waterside. All the matter being settled by the General and Land Officers yesterday afternoon, how the descent should be made, I gave orders to Capt. Barker in the *Chichester* and Capt. Denn in the *Sunderland* to weigh, and with their guns ply the enemy's batteries ashoar in the Bay, where a little village stood called the Bailiffe ; at the same time while the soldiers were landing, I gave Capt. Fairborne the command of the boats upon that service, and ordered Capt. Meads to assist him ; the Creoles were to be put ashoar first, and then all the boats to return to the *Yarmouth*, where it was that all the Queen's soldiers appointed for the first attack should rendezvous, but the time for these orders being issued out was so short, that whereas it was designed that Col. Byam with the Creole Regiment and Major Johnson with the Granadeers of Col. Whetham's Regiment should be ashoar by 2 a.m. and the first detachment of the Queen's forces at 5, yet it was daylight before the Creoles were landed, who received little or no opposition. After wch. the boats all went for the Queen's soldiers, but before the number allotted (which was 1,200 men) were got together, the General went to the *Yarmouth* and hastened their landing, not being above 500. The place where they went was naturally strong and very well intrenched, and they had some guns upon a point which raked the Bay ; however, by good fortune not a shot hit any of the boats, and our men forced their landing against a hot opposition, there continuing upon them a very warm fire for about an hour. After they were ashoar, they soon beat the enemy from their trenches. The attack was commanded by Col. Whetham, and Lt.-Col. Wills, General Codrington being with them. Several officers and men were killed and wounded. Lt.-Col. Bristow and Col. Cary afterwards went ashoar with the rest of the army, and Major Morgan being wounded was brought aboard my ship. The *Chichester* according to my order plyed the batterys ashoar, but the *Sunderland* in getting up her anchor lost it and drove to sea ; however, the *Maidstone* fired upon the enemy's batterys ashoar. *March* 13. Yesterday about 3 p.m. the *Chichester* anchored in the Bay of the point called the Bayliff, and the French being beat from their batterys, they were possest by our forces ashoar, and they lodged themselves upon a rising hill where were some guns of the enemy's, which they found spiked up. I gave orders (*quoted*) this morning for victualling the army ashoar, and ordered Col. Moses, who commanded the Marine Regiment, to send off the seamen upon signals given, in case of any of the enemy's ships of war appearing, etc. Our forces possest themselves of the Town of Basseterre and the French retired to their Castle and Fort wch. commanded the upper part of the town, and fire their great guns upon it. I sent my boat ashoar and burnt some houses. *March* 15. I received a letter (*quoted*)

1703.

from General Codrington requesting me to send guns ashoar to breach the Fort, and four days' provisions "because I intend to march with 1,500 men to take the Dos d'Asne, in wch. if we succeed our business is finished. Twill likewise be necessary for the service that you renew your orders that none of the seamen go ashoar and stragle for plunder, for the landmen grumble extreamly at it, and it may be of very ill consequence. I likewise desire you will order the *Anglesey* and *Chichester* to fall down to this Bay (*Basseterre*) and come to an anchor just at the point where they will ride safely," etc. I immediately gave orders accordingly. *March* 16. The great inconveniency by the ships not sending provisions ashoar to the army regularly, and the many complaints of the soldiers that their oatmeal and peas were cold before they come ashoar, and that they had no conveniency to boil it themselves, put me upon proposing to the General to send a purser ashoar with a week's provisions and kettles. *March* 17. General Codrington replied "I think the best method imaginable is what you propose . . there will be here no danger of a Purser, for I defy him to cheat our soldiers even of the biscuit crums. . As to the *Maidstone*, since Mr. Fairborne is so uneasy, I consent to the change as soon as you please, and if he be angry I suppose he'l let me know it, when my Lord Peterborough arrives I shall be only a volunteer, but we all congratulate Mr. Wavell for his honble. achievements." I proposed a ship should cruize to windward, to prevent succour from Martinico, but received no reply. They continued working upon the Battery. *March* 21. Yesterday evening the General sent me word he hoped to be ready this morning to play his guns upon the enemy's Fort. A sloop from Antigua brought me orders from H.R.H. Prince George, Jan. 18, 170$\frac{2}{3}$: "Whereas I have ordered H.M.S. *Resolution* and *Blackwall* to proceed and joyne the squadron under your command at Barbadoes, or if you shall be sailed from thence to the Leeward Islands, that then the *Resolution* does without loss of time repair to you there with the transport ships with soldiers, naval and ordinance stores and provisions, and leave the *Blackwall* at Barbadoes to attend on that Island. . . . You are then to proceed with all the ships under your command in such manner as shall be found most for the advantage of H.M. service at a Council of War of the Captains of the ships and the proper land officers. . . . You are then to employ the squadron under your command from time to time in such a manner as may the most tend to the effectual performance of such service as shall be agreed on, and continue so to do till about May 20, and when there shall be occasion, to spare to the commanding Officer of the land forces such men, guns and ammunition as he shall desire or at least so many as you shall judge may be so spared. And if Fort Royal shall be taken, you are to leave there such provisions and ammunition as the Governor or Commanding Land Officer shall desire, for such men as he shall leave there for defence. When all shall be done that may be possible against the French Plantations by the time before limited, you are then with all the ships under your command, and the transport ships with soldiers, stores etc., and such number of soldiers as the Command in Chief of the Land forces shall appoint, to repair without loss of time to Port Royal in Jamaica, and there joyne Vice-Admiral Bembow and follow his orders, carrying the French prisoners thither."

March 22. I sent powder and shot ashoar for our Battery, it being now finished, and this day began to play against the Fort. We have had for the most part calm weather. I sent some bags of cotton ashoar for securing our men from small shot. I had a letter from the General in wch. he tells me that my Lord Peterborough does not come to the West Indies, but that he is to command in his stead, and that he shall want a good deal of powder, but not much ball, for his battery. *March* 23. I ordered it so that every ship should send as much powder and shot of the nature of the guns ashoar as to reserve only 30 rounds aboard, wch. I imagined would be sufficient to make a good breach in the enemy's Fort. Our batterys continue to play upon the French Fort, and they also fire upon our batterys, where we have several men wounded and killed. *March* 24. Col. Moses came aboard and told me that our Battery had already made a considerable breach in the enemy's fort and Castle. I told him that I had ordered as much powder and shot as might be sufficient to batter the Fort and make the breach large enough to storm, and that if wt. I had already ordered would not do, I could not tell how with safety to the ships they could be further supplied, and desired him to take all the care possible that none of the powder and shot should be imbezled or misapplied. General Codrington desired a ship might be sent to cruise to Windward of the Island, and I therefore gave orders to Capt. Wm. Prower, H.M.S. *Yarmouth*, to signal for the seamen belonging to her now upon service ashoar, to come aboard, and then to cruise between the Island of Mary Gallant and the Santos, in order to intercept any correspondence or relief from Martinico etc. *March* 25. I sent the copy of these orders to General Codrington, and had no answer, only Capt. Prower told me this morning General Codrington would not suffer his seamen to come off, so he furled his sails again, and I concluded the General had altered his opinion concerning any ship cruizing to Windward. In the evening, Major-General Hamilton came aboard from the General and I had some discourse with him on that point. *March* 26. This morning I ordered 100 culverin shot ashoar from my ship for the use of the battery, and gave orders that the *Cumberland* should send the proportion of powder *etc.* I sent Lt. Holloway ashoar with a party who burnt two villages and came off again. *March* 27. Lt. Nesbit brought word that a skirmish yesterday was pretty hot and that we had several men killed and wounded, the General being there with 1,500 men and designing to try if the Dosd'asne could be taken, but the attempt proved unsuccessful, the place being too strong, as well by the trenches the enemy had made as the natural situation by deep unpassable gullies and steep precipices. He said that there was so considerable a breach made in the fort that the General had thoughts of storming it. Two deserters from the French got

1703.

aboard the *Chichester* and said that 900 men were landed upon Guardaloupe from Martinico, but the General gives little credit to it; and supposes the sloops seen by the *Maidstone* were only vessels carrying off goods and people from the Island. *March* 28. Yesterday Lt.-Coll. Wills came from the General to discourse with me. He proposed that I should send some more powder and shot ashoar for the battery and small arms, and some more great guns, and believed that it would be better if all the ships were at anchor off the town. I answered that I had already sent all the shot for whole culverine that could be spared, there being no ships that had guns of that nature, only the *Cumberland* and *Boyne*, which now had only 30 rounds reserved; but that I should order more powder and shot for the battery of 12 pounders, and give directions that every ship should send what shot they had of that nature with powder etc. proportionable, reserving only 30 rounds. As to the ships riding off the town, I was told that it was a very bad road, and the ships already there wisht themselves with me again; besides wch. all our best men being ashoar, we were not strong enough to get our anchors up and trim sails, and so could only sail one by one. Powder and ball for the small arms should be supplied. But as to sending more arms ashoar I could not venture upon that without the opinion of a Council of War. I expected the arrival of the *Resolution* every day, and till that did not think it safe to venture at disabling the ships, for which I was responsible. If the General pleased, a Council of War should be held aboard the *Yarmouth*. Capt. Keck, who commanded the Marine Granadeers ashoar, came afterwards and told me that affairs ashoar did not answer expectation, for as to taking the Dos d'ane it was impracticable, and that all the people of the Island were retired thither, which left them without hopes of taking any prisoners, but that the Fort was designed to be stormed, the breach being judged large enough. There were men certainly come from Martinico, tho' the General would not allow any to speak of it. The General desired I would send a boat to bring off four of the enemy's guns from the Bay called Bayliff, that they might be got ashoar at the Town for the use of the battery. I gave orders accordingly, and for the powder and ball for the small arms to be delivered. *March* 29. This morning we heard pretty much firing ashoar, both great guns and small arms: the great guns were ours against the Fort, but the small arms was a skirmish with a party of negroes that came down near our quarters. *March* 30. I began to perceive that all things not answering at Guardaloupe either according to the General's expectation, or to what he had represented at home, he seemed to seek out some occasion to make a difference, that I might be blamed: for I being told that the breach in the Fort was considerable enough to be storm'd, and that yet more powder and shot for eighteen pounders were demanded, the *Resolution* not arrived, and that I therefore could not be justified should I not reserve ammunition sufficient for H.M. ships, I thought it necessary that a Council of War should be called, and therefore yesterday evening wrote accordingly to General Codrington and Col. Wills. This morning I made a signal for a Council of War and sent boats ashoar, but I had no answer, only the boats returned without anybody. By a letter I received I found General Codrington had detained all the officers ashoar at a Council of War he had called there. The letter, written by that Order, acquainted me that it was the unanimous desire of the Council of War that I should send at least 300 cartridges with shot and wads for 18 pounders and the like proportion for the 12 pounders, without which it would be impossible to make the breaches wide enough for an attack. "The Council of War does likewise unanimously desire you will send all the boats of the Fleet for making a false attack on the other side of the River Gallions, which will be a very useful diversion and save the lives of a great many men. They hope if they have the necessary assistance you ought to give them, the attack may be made in three days at farthest." By this letter I perceived that the General would not suffer any Council of War to be called as appointed by H.R.H., but I thought myself obliged to obey the Prince's orders, and what Council of War was held ashoar by land officers only, could be no justification to me, and therefore I desired a General Council of War might be held, since the affair was now very nice, by disposing of so great a quantity of ammunition from the men-of-war. *Letter quoted to this effect. March* 31. Between 12 and 1 I received a letter which I thought very odd, and to which I sent no answer: Upon receipt of your letter the General immediately thought fit to call a Council of War. They are not surprised at your conduct, it is very agreable with all the measures you have hitherto taken. They think that you interpret H.R.H. Orders not only very ridiculously, but very maliciously, and are well assured that the advantage you pretend to draw from them will be so far from justifying you that it will extreamly aggravate your present as well as former scandalous and dishonourable proceedings. They think themselves obliged to be, and are equally concerned for the safety of H.M. ships, with yourself, they might add much more, since the station you keep is as little conducing to the safety of the Fleet as the service of the Army, for which it was principally sent. As to your two letters concerning a Council of War to be held aboard the *Boyne*, they have made and entered such a vote upon it, as they believed such a proposal deserved. The General does again demand, and the Council of War sitting with him does unanimously request for H.M. service, and the honour of the English arms that you do immediately furnish the quantity of powder and ball they desired of you, and that you have your own and the other boats ready (if they can be possibly spared from plundering) to make a false attack about two or three days hence at farthest, without your immediate compliance in both which points the enterprize cannot possibly go forward, and they leave you to judge of the consequence.

Having read this letter, I dismist the messenger without any answer, and was now fully convinced that the General designed to foment a difference between the land and sea, and thereby

1703.

hoped to throw all miscarriages (if things happened not as he had represented home) upon me, and tho' I had already ordered as much powder and shot for the great guns as would have, by the judgment of very good engineers, been more than sufficient for the service designed, I resolved to consult all the sea-captains. *April 1st.* At the Council summoned by me on board the *Chichester* I read above orders and letters, and showed how much ammunition had been landed, and that there was a good quantity ashoar as yet unexpended. It was agreed that 20 rounds would be enough to reserve aboard the men-of-war. I thereupon gave orders accordingly, and told Col. Wills that boats should be ready for a false attack, and that the *Yarmouth* and *Sunderland* should be ordered to batter the Castle, they not having put ashoar any guns or powder for the battery, not having any of that nature. After all this, that I might give no umbrage for the least thoughts of a misunderstanding, I went ashoar to see the General. I staid with the General till evening, and then coming to my boat, he would see me thither, where I took leave and came to my ship. Having ordered men aboard my own ship and the *Cumberland*, this morning we weighed from Petits Habitants and sailed to the Bay of Basseterre. I gave orders to the *Yarmouth* and *Sunderland* to stand in to batter the Castle and scower the line of communication and enemy's trenches, according as the General should think most to the purpose. *April* 2. Yesterday afternoon I anchored in the road of Basseterre, with the *Cumberland*, a very ill road, and the ships not so well as at Petits Habitants Bay, where I ordered Capt. Wavell to stay till all the transport were got hither, and to assist them, and then come himself with the *Edgar*. I sent men to help the *Burford* to this Road. *April* 3. Yesterday afternoon the *Yarmouth* and *Sunderland* weighed and stood in to batter the Castle and rake the enemy's line of communication between the Castle and Fort, it being designed on this day to make the attack. I went ashore to the General, with whom went to see our battery, and from thence going with him to see the Church and how he designed the attack, it being down hill, where no path was and very stony, he walking to fast for me, and I endeavouring to follow him, fell down, and being open to the enemy's line of communication, they fired very thick at me, and being much hurt by the fall, I was not able suddenly to rise again, Lt. Davenport only with me, who helpt me to get up. Having seen the Church, which was very well furnished, we returned again to our batterys, and then to the General's lodgings, who that night gave my name for the Word; and tho' I desired him not, yet he would see me to my boat, being a pretty distance from his lodgings. The *Yarmouth* and *Sunderland* had fired all the afternoon upon the Castle and the line of communication and trenches, and this morning ply'd them again: but about half after 6 o'clock, the French blowed up the Castle and quitted it, retiring to the trenches they had on the other side the Galley, or River Gallions as they called it; but the ships firing upon them there, were forced from them also, and

1703.

our forces were possest of the Castle and Fort without any other attack then quietly marching into them, which saved a great many men's lives. I designing (if possible conveniencys could be had for it) to order a transport for an Hospitall ship, gave directions to some surgeons to survey the chests of medicines which were ordered to Jamaica. The *Burford* anchored here. *April* 4. This morning all the boats that had been ordered ashoar for the false attack came again to their ships, there being no occasion for them. I went ashoar to see the Castle and Fort; the first proved stronger and the latter weaker than was expected; they were both built upon the very brink of a steep precipice, only just from the Castle by the waterside was a kind of little path which led over the Galley to the other side; there was a large ditch all round the other part on the N. side of the fort, castle and line of communication, and the Castle had a deep moat round it, and a drawbridge which none of the General's people knew, so that if they would have staied the storming, the English must have lost a great many men, and there can be no other reason given for the enemy's not staying, unless that of their being so much exposed to the guns from the ships, and were not therefore able either to have made a retreat or stand to defend the breaches. *April* 5. I received a letter from the General desiring me to order Capt. Prower to cruize immediately to the windward of the Point Etien, and suggesting that another ship should take his place. I gave orders accordingly. The General with the *Yarmouth* and *Maidstone* and 6 sloops sailed to the other side of the Island. *April* 7. The General returned. He found the shoar on the other side lined with men, and several breastworks there. *April* 8. At the General's request I landed 500 men, who, meeting but little opposition, burnt some houses and small plantations, but could get no prisoners. *April* 9. Three or four great ships were reported to the Eastward of *Guardaloupe*, but no great credit could be given to the report. The *Lark* brigantine of Barbadoes came in here from thence having 20 barrels of powder and 4,000 weight of musquet shot for the army. *April* 10. I ordered all transports at Petits Habitants to come hither, and sent men to help the *Edgar* also from thence, and wrote to the General: "I find a flying rumour concerning some French men-of-war being hereabouts, tis said by some, ten. I acquaint your Excellency, that if you thought fit to dispose matters, so that the seamen ashoar and some soldiers might be ready upon a signal made from the men-of-war to come aboard in order to enable them to engage those men-of-war, I should order matters accordingly here afloat. I am sorry your Excellency is so very ill," *etc.* Major General Hamilton replied that H.E. continued ill, but said all the marines should be ready at a minute's warning, and as many soldiers as I should judge necessary. Two deserters had given an account that their General was arrived at Martinico with four men-of-war, one of 60, one of 50, and 2 of 30 guns; and that several ships had been seen off to the Windward of Mary-gallant, believed to be English ships. *April* 11. I sent Capt. Prower to cruize,

1703.

and was told by two deserters that there are 2,000 men upon this Island in scattered parties, and that 1,000 men had arrived from Martinico. In a skirmish ashoar we lost about 30 men killed and wounded, the Captain who commanded our party having advanced too far into the enemy's quarters. *April* 13. A Council of War having been held ashoar, I received a letter with the orders for distribution of plunder, *quoted.* I gave orders accordingly. *April* 14. The *Maidstone* returned from her cruize, having seen five sail of sloops and a brigantine in Colesack Harbour. The *Lark* sailed for Barbadoes, having left the powder and ball with General Codrington, which, as I was told, was never distributed to the army. *April* 15. I ordered boats to carry 600 men as requested. I was at this time very ill. *April* 17. The expedition returned, having taken a few cattle and burnt some houses and plantations. *April* 18. Word was brought me of a Council of War held yesterday, which resolved unanimously not to attack the Dodan; that a party of 600 men go to plunder Grand-terre, and that the Commodore be desired to send 3 men-of-war with them; which I did. *April* 20. They sailed in squally weather. *April* 21. The *Maidstone* sailed upon the same expedition. *April* 22. All the men-of-war that sailed are forced a great way to Leeward by the badness of the weather. *April* 23. The *Sunderland* was driven to sea from where she rode. *April* 24. The ships having been unable to ply to windward made a shift to get into this road again, and the soldiers were all put ashoar again, upon the General's orders in a letter from Major-General Hamilton; the French having had news of their design. And now provisions growing short, especially bread, and perceiving that nothing of any consequence could be done more against the enemy, I thought time to consider of putting all the ships in a posture to receive the soldiers aboard again, and gave orders to the Captains that the seamen now aboard, who had been landed with the soldiers, should not put ashoar again. *April* 25. I held a consultation of the sea-officers, and it was agreed that, the shortness and badness of provisions, especially that of bread, the great sickness amongst the squadron, and great want of all manner of stores being taken into consideration, fifteen days is the least possibly can be taken for going to some of the Leeward Islands to fit the ships and refresh our men, in order to proceed to Jamaica; and that, in regard there is not now any considerable service to be expected from the Marines ashoar, and the ships now being so very weak thro' sickness and mortality of the men, the squadron cannot be safe without their being aboard their respective ships as well as for putting them in a posture of going to sea, getting off the great guns from the shore, *etc.*

The General was acquainted with this resolution. The bread being so short as scarcely to hold out to Jamaica, all the ships were put to half allowance of bread. *April* 26–29. Shipping of guns and shot proceeded with, *etc.* *April* 30. The General having been for some time very ill and uncapable of all manner of business, embark'd aboard the *Maidstone* in order to go to

1703.

Nevis for the recovery of his health, leaving the command to Col. Whetham, who also was very much indisposed. *May* 1st. I having ordered some guns to be put aboard the *Burford*, and designing she should carry them to Antegua for the use of that island, Col. Whetham desired he together with three Companies of his regiment might have a passage in her thither. I gave orders accordingly. *May* 3. A General Council of War was held, and it was arranged to re-embark the 2,277 men and officers, not including sick and wounded, who were still ashoar. This has been the only Council of War held by sea and land officers together during the whole expedition, and the result of this was the only secret that had been kept till it came to be put in execution. *May* 6. The men were got off without loss, having set fire to the rest of the town of Basse-Terre. *May* 7. At 5 a.m. I made the signal to unmoor. I ordered the *Cumberland* to Antegua with orders for the *Burford* to join me at Nevis, whither I designed expecting to find General Codrington there. I sent the *Yarmouth* to cruize off Martinico, and with her orders to Capt. Lyell of the *Resolution* in case she should meet her. We exchanged shots with the enemy, and thus we left Guardaloupe, whereof we had got possession at the expense of many men's lives; and might have kept it, had there been orders for so doing, tho' the most of the Creols would oppose it because they might suffer thereby in their own interests, the Island Guardaloupe being much better than any of those which the English possess; it is very well watered, having an abundance of rivulets perpetually running; it produces better sugar, is much more healthy, a great deal stronger by Nature, being fortified with a vast number of steep gullys and thick woods, which render it more easily tenable. It never before suffered so much by any attempt from the English as at this time; all their guns being either carried off, sunk or burst, their fortifications utterly demolished, a great part of their Plantations destroyed, and though the inhabitants had for some time found a refuge in inaccessible mountains and impenetrable woods, yet had we had four or five fourth and fifth-rate frigates to have cruised about the island, to have prevented any intercourse between that and Martinico, together with only 1,000 English soldiers ashoar, the inhabitants must in a few months been obliged to have surrendered themselves and beg'd a transportation to Martinico, which, after Guardaloupe had been wholly in the hands of the English, would have been rendered extreamly uneasy, for while cruisers could be afforded to command the seas, Martinico could not subsist.

A little before we left the Island my surgeon brought off a copper plate on which was engraven in Capital letters an epitaph set up at the place where the Governor who commanded the Island last was buried, and since it has something in it relating to the attempt the English made upon Guardaloupe at that time, I believe it may not be improper to insert here. *The plate, in memory of M. Pierre Hinselen, Governor, Guardaloupe, is reproduced, and refers to his gallant conduct of the 28 days' siege by the English in* 1691. (*See Col. A. & W.I.* 1691. *Nos.* 1546, 1557, *etc.*)

1703.

I cannot give an account what men the French lost, but our loss was considerable, there having been of seamen and soldiers during that expedition kill'd, wounded, most of which died of their wounds, dead of sickness and deserters, 1,230 at least. I made sail at 7 p.m. *May* 8. At 10 a.m. being got into Plymouth Road of Mountserrat, I lay by there till some of the soldiers designed for that Island were put ashoar, and made sail for Nevis, and arrived 6.30 p.m. We expected General Codrington had been here, but understood he was at Antegua. *May* 9. The *Maidstone* came in with Major-General Hamilton aboard. I ordered the *Anglesey* to carry three Companies of Col. Whetham's regiment to St. Christopher's, and, having disembark'd them there, to return hither. *May* 10. The *Sunderland* came in, she not being able to get up her anchors when we all sailed from Guardeloupe, riding in a very bad road. Col. Wills came aboard and told that Major-General Hamilton had brought proposals from the General at Antegua, which he afterwards brought to me. The thing which General Codrington inculcated was that my orders from H.R.H. were not absolute, and he desired therefore that I would send some of the men-of-war to Barbadoes with three Regiments and disembark one at the Leeward Islands, and that I would not proceed to Jamaica but remaine at the Charribbee Islands till next winter. I told the Major-General that I could be no means concur with the General's proposals, being not only contrary to my positive orders from the Prince, but also unreasonable, considering the evil condition all the men-of-war now are in, however, I desired I might have a copy of those Instructions that General Codrington had given him, which he having promised went away, and soon after Major Bowles came and told me that Col. Bristow, who commanded the Land forces, positively declared himself against what had been proposed by General Codrington with relation to their affaires. *May* 11. The *Maidstone* sailed for St. Christopher's, and the *Burford* and *Cumberland* arrived from Antegua, and brought word that Admiral Graydon was coming to the West Indies in the *Resolution*. *May* 12. The President of Nevis having acquainted me that they wanted guns for the defence of the Island, I gave orders for the Captains of the men-of-war who had any of the guns taken at Guardeloupe to deliver them to the President ashoar or some other proper officer. *May* 17. The *Yarmouth* came in from her cruize with a prize, a small sloop that he took off Martinico. *May* 18. The *Tryal* sloop arrived with a letter from Admiral Graydon, wherein he wrote to me not to sail till he arrived to Nevis, he being then at Barbadoes, and making all despatch imaginable to joyne me. *May* 22. Being informed that a French privateer lay between the Islands of Estatia and Saba, I ordered the *Yarmouth* to sail in search of her. *May* 23. At 7 a.m. Admiral Graydon in the *Resolution* with the *Blackwall* and seven sail of transports and store ships came to an anchor here. The Castle saluted him, so did all the men-of-war and transports in the Road, and I struck the Broad Pendant, my command of of the squadron ceasing upon his arrival, *etc. Endorsed,* Communicated to the Board by Mr. Blathwayt. Recd. Read May 16, 1704. 72 *pp.* [*C.O.* 152, 5. *No.* 30.]

May 25. **738.** Minutes of Council of Barbadoes. H.E. was desired by this Board to send away as many of the French prisoners as he pleases, and to continue the chartell as it is agreed on, or otherwise, as he thinks fit, and to write to the Governor of Martinico what he thinks most convenient upon that occasion.

Ordered that the Keeper of the Stores in the Magazine present H.E. with a complete list thereof.

Whereas the President and Council, Jan. 13, 1701, ordered powder to be removed out of the magazine and placed in the several forts, which was not done, H.E. is desired to order the Keeper of the Magazine to deliver out 1,000 barrels of powder to be placed in the several forts.

Committee appointed to inspect the buildings in the magazine and report their condition in writing forthwith to H.E.

Ordered that none but housekeepers be suffered to be on guard to take care of the magazine, and that they have the same pay as usual, and be excused from watching and exercising during the time they are employed in that service.

H.E. proposed that a Proclamation issue for a General Fast to be held on June 11, to implore God's blessing on H.M., the preservation of her person, the prosperity of her arms, and that she may continue a long and happy reign over us. Ordered accordingly.

H.E. took the oaths appointed by an Act of this Island for all those that are impowered to hear and determine writs of error, petitions of grievances, and all other matters of equity. The members of Council present took the same oath.

Robert Stewart, Clerk of the Crown and Peace, was sworn. [*C.O.* 31, 8. *pp.* 39–41.]

May 26.
Boston.
739. Minutes of Council in Assembly of the Massachusetts Bay. The Representatives took the oaths appointed and subscribed the Declaration. They chose Major James Converse for their Speaker, whom H.E. approved. Names of Representatives :

County of Suffolk :—

Boston, Samuel Legg.
,, Capt. Samuel Checkley.
,, Thomas Oakes.
,, Capt. Ephraim Savage.
Roxbury, William Denison.
Dorchester, Hopestill Clap.
Milton, Capt. Thomas Vose.
Brantery, John Baxter.
Weymouth, Capt. Stephen French.
Hingham, Lieut. Theophilus Cushing.
Dedham, Capt. Daniel Fisher.
Medfield, Eleazer Adams.
Mendon (?), Capt. Josiah Chapin.
Wrentham, Robert Ware.

1703.

County of Essex :—

Salem, Capt. Samuel Gardner.
,, Benjamin Lynde.
Lynn, Samuel Johnson.
Marblehead, Richard Trevet.
Beverly, Isaac Woodberry.
Wenham, Thomas Patch.
,, Nehemiah Jewett.
Ipswich, Nathaniel Knoulton.
Glocester, Capt. James Davis.
Topsfield, Ephraim Dorman.
Andover, John Asleblee.
Boxford, John Peabody.
Rowley, Capt. Joseph Boynton.
Newbury, Capt. Stephen Greenleafe.
Haverhill, John Haseltine.
Salisbury, Joseph Clough.
Amsbury, John Kimball.

County of Plymouth :—

Plymouth, Nathaniel Thomas, jr.
Situate, Samuel Clap.
Duxborough, Samuel Seabury.
Marshfield, Samuel Sprague.
Bridgwater, Edward Fobes.

Duke's County :—

Edgertown, Benjamin Smith.

County of Middlesex :—

Charlestown, Captain Samuel Phips.
Cambridge. Thomas Oliver.
Newtown, James Trobridge.
Watertown, Joseph Sherman.
Sudbury, John Balcome.
Sherborne, Thomas Sawin.
Framingham, John Haven.
Marlboro', Capt. Henry Kerley.
Malden, Capt. Joseph Wilson.
Medford, Thomas Willis.
Wobourne, Major James Converse.
Reading, Hannaniah Parker.
Bilrica, Thomas Richinson.
Chelmsford, Nathaniel Hill.
Concord, John Wheeler.

County of Hampshire :—

Springfield, John Hitchcock.
Northampton, John Clarke.
Hatfield, Eliezer Frarsy.
Hadley, Thomas Hovey.
Westfield, Samuel Root.

County of Barnstaple :—

Barnstable, Capt. John Otis.
Yarmouth, Elisha Hall.

1703.

Eastham, Samuel Knowls.
Sandwich, Sheerjashub Bourne.
County of Bristol :—
Bristol, Nathaniel Blagrove.
Taunton, Benjamin Crane.
Rehoboth, Nathaniel Browne.
Swanzey, Ephraim Peirce.
Dartmouth, James Sampson.
County of Yorke :—
Yorke, Capt. Abraham Prebble.
Kittery, Charles Frost.
Island of Nantuckett, William Gayer.

H.E. sent a message to the House of Representatives to proceed to the election of Councellours, and directed the Council to attend that work.

Message sent up from the Representatives, that this House are of opinion that every person, who is chosen a Councellour for this Province, ought to have the voyce of the major part of the Electors, and therefore move that the election of Councellours be so made at this time, and for the future, which they apprehend most agreable to the Charter. The Council agreed, but H.E. signed his dissent therefrom in the following words :—I do not consent to this vote, the Charter directing the choice of 28 Councellours for H.M. service, which may faile by this method, and it being contrary to the usage of the General Assembly at every election past since the granting of the present Charter of this Province. And directed that the elections be made after the former manner and usage. The Elections being finished, adjourned until to-morrow.

May 27. The Representatives sent up the names of the 28 persons elected yesterday to be Councellors or Assistants for the year ensuing, for H.E.'s approbation in writing :—

Of the Inhabitants or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay :—Wait Winthrop, James Russell, Elisha Cooke, John Hathorne, Elisah Hutchinson, Samuel Lewall, William Browne, Isaac Addington, John Phillips, Jonathan Corwin, John Foster, Peter Sergeant, Daniel Peirce, Penn Townsend, John Higginson, Andrew Belcher, Edward Bromfield, Thomas Oakes.

Of the Inhabitants or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth :—John Walley, John Thacker, John Saffin, John Bradford.

Of the Inhabitants or Proprietors of Lands within the Territory formerly called the Province of Main :—Eliakim Hutchinson, Benjamin Browne, and Joseph Hammond.

Of the Inhabitants or Proprietors of Lands lying between the River of Sagadohock and Nova Scotia :—Joseph Lynde.

Of the Inhabitants or Proprietors of Lands within this Province at large :—Samuel Partridge and Samuel Hayman.

H.E. summoned the Representatives, and observed to them that in their list of elections presented him he took notice there were several Gentlemen left out, that were of the Council the last

1703.

year, who were of good ability for estate and otherwise to serve H.M., and well disposed thereto, and that some others new were elected, who were not so well qualified, some of them being of little or mean estate. And withal signified that he should expunge five of the names, *vizt.*—Elisha Cooke, Peter Sergeant, Thomas Oakes, John Saffin and John Bradford; and dismist the House, and they returned to their Chamber. H.E. approved the remainder of the list of Councellours, who took the oaths appointed, and subscribed the Declaration and took their oaths as Councellours.

Thanks of the Board voted to the Rev. Mr. Solomon Stoddard for his sermon preached yesterday before the General Assembly, and he was desired to prepare the same for the Press.

H.E. communicated to the Council the advice he had received from the Lord Cornbury by the examination had of some of the Praying Indians lately sent to Canada for intelligence, on pretence of visiting their friends, who report that a party of French and Indians were coming down from thence upon Deerfield. As also a letter expressed by Major March from Casco Bay, intimating that H.E.'s presence there was forthwith necessary to steady the Indians, the Sachems finding difficulty in keeping in their young men, who were ready to be debauched by the priests by their insinuation of jelousys into them, especially since the late infraction made upon Henry Newman and his company, that they would be charged to be the actors thereof, altho' Moxis, the Sachem, sent information that they saw three Frenchmen, two Indians, and two Englishmen passing upon Kennebeck River in Cannoes, who said they came from Canada to take some English prisoners for intelligence and were returning thither again. H.E. ordered the said letters to be sent down to the Representatives.

The Representatives sent a message to H.E. praying for his direction what business was most necessary for the House to go upon. H.E. addressed them:—I am very glad I can meet you at this anniversary Assembly in peace, that neither the coast nor our open frontier to the Continent have been troubled with the enemy; I believe our early care in sending that little force to the Eastward, together with our just and friendly dealing with the Indians, has kept them at quiet. I expected when I last parted from you, I should have given you an accompt of another interview I might have had with the Sachems of the Eastern parts, which I judge very necessary, but the infraction made by our own people upon some of them on friendship at Panobscot delayed me until I might have given them a very full assurence that the mischief done upon them was without my knowledge, which by the restitution of their goods, and the severe treatment of those ill men, I believe by this time is done to their satisfaction, and has now given me a proper time again to demand their attendance upon me, which all my Officers in those parts urge may be presently upon many good reasons. I must also hasten, because in a short time I expect H.M. Fleet from Jamaica in their return home, and I may not then be absent, having H.M. express commands to provide for them, and if they shall be in a capacity to do anything to the eastward upon the enemy, I hope we shall chearfully embrace the opportunity to assist in the service, it being so particularly our own benefit. By letters from Lord Cornbury I have the advice that I may expect a party of French and Indians presently upon Connecticott River, and we must be in a readiness for them, which will put me upon sending home the members of that part immediately. The particular business before you is the making good the votes of the two last Assemblies, in raising the tax for the payment of the Bills already issued, which I hope you will soon get through in so equal a manner that there may be no complaint thereupon. I shall continue to be very ready to do my duty for the advancement of good learning in the College, and am of opinion the particular business of the Assembly therein is to provide a good establishment for the support of the Government of it, that I may humbly represent it in order to obtain H.M. favour to that foundation.

I have had a late earnest application on behalf of the Judges of the Superior Court, in whose hands are the administration of the Laws referring to the lives and estates of all H.M. good subjects of this Province, acquainting me that the allowance made them will by no means support their charge, nor put them beyond contempt in their stations. I should be very sorry to have the administration of Law faile in this great Province upon that head, and I assure you, Gentlemen, I have not many persons in the Province to name in their places, if any of those whom I take to be men of honour should refuse the service upon that accompt. And, Gentlemen, I must freely acquaint you that it would be the last inconveniency upon me to be forced to represent to H.M. that the Government of this Province must faile in any parte or branch of it, for want of a just support for persons in publick offices, which will be absolutely new from any Plantation belonging to the Crown of England.

The Speaker desired a copy of H.E.'s Speech, which was given him and the House dismist. [*C.O.* 5, 789. *pp.* 816–821.]

May 27. New York. **740.** Captain Nanfan to the Council of Trade and Plantations. I did myself the honour in October last by H.M.S. *Advice* to convey a letter to your Lordships, wherein I humbly set forth my hardships, and as humbly pray'd redress, intirely relying on your Lordships' justice, as I doe yet and shall ever; but what I then intimated to your Lordships is now come to pass. Altho' often I have given my accounts and the several wages I have been directed, yet I cannot be able as yet to bring them to an adjustment. The fault is not mine, I humbly conceive; nor in truth am I able to give his Lordship further accounts than copies of them his Lordship already has. My buisness, my Lords, is to be dispatcht to my affaires in Barbados; for his Lordship here has stopt my pay and without any reason assigned or dismiss shewn me from H.M., only telling one Captain Matthews has my Company, and that his Lordship has a copy of his Commission

1703.

from himself, tho' never produced to me. Fifteen years, my Lords, I have served in the Army, but never saw a president of this. My Lords, this is not the greatest of my misfortunes; for, besides my often being debar'd my liberty in going to Barbados, by forcing one vessell which carryed my wife, childe and servants to give 5,000*l.* security that they should take none off without ticketts, which I could not procure. My Lords, a president of this never was in any American Port or the Islands. But to conclude, because I will not much longer trouble your Lordships, my Lord Cornbury well knowing himself, or agent, have received the publick moneys for the soldiers, since Mr. Champante was discharged 25th December, 1701, yet has suffered me to be arrested in more then 1,200*l.* Actions for the protested Bills drawn since that time and truely applyed to the use of the soldiers, as I can make appear; and now, my Lords, it's nine dayes since I have laine in confinement, nor can I get any surety, nor will his Lordship accept my own bond, tho' in a respectfull letter I offered it. I must needs, my Lords, think I looke not unlike a designed sacrifice where my bread is first taken away and then my liberty. I shall praye Mr. Champante, by way of memorial, to give your Lordships a light of my hardships, which when your Lordships please to consider, I shall not doubt of justice and releif. My Lords, if I have been any way misrepresented for my administration, I must humbly pray your Lordships will please to doe me that honour to procure H.M. citation to answer for myself, and not that I lye and suffer here in confinement to my infinite prejudice a prisoner, not at large but close, at the *bene placito* of my Lord Cornbury, whose agents I presume your Lordships are not unacquainted have received the soldiers' subsistence since Dec. 25, 1701, which money I now lye under confinement for, his Lordship's authority protecting him from the arrests. I most humbly pray your Lordships that should I in any particular appear too warm in expression, your Lordships will please to impute it to the difficulties I labour under innocently, and for me who was ever as free as an English-born subject could ever hope for, never in confinement till now, to become a prisoner without ingagements, for debts owing to others, I most humbly submit to your Lordships' great wisdome. *Signed*, John Nanfan. *Endorsed*, Recd. 19th, Read July 20, 1703. $2\frac{3}{4}$ *pp.* *Enclosed*,

740. i. Abstract of preceding letter. 1 *p.* [*C.O.* 5, 1048. *Nos.* 57, 57.i.; *and* 5, 1120. *pp.* 6–9.]

May 27.
Whitehall.

741. Council of Trade and Plantations to Governor Codrington. The enclosed are duplicates of our letters of the 20th and 29th of the last month, since which we have not received any from you. We have proceeded in considering the Acts of the several Assemblies of the Leeward Islands that have been transmitted to us; and herewith send you a copy of our Report upon those of Mountserrat. You will thereby perceive that we have given our opinion for the repealing of two of them vizt., *An Act for quieting men's estates and for avoiding litigious Law Suits for Lands and Plantations in* *that Island; and An Act determining the sitting of Assemblies and regulating the Elections of the same;* and H.M. having thereupon been pleased to declare her disallowance and disapprobation thereof, we send you here inclosed H.M. Order in Council of the 8th instant for that purpose, that you may take care the same be published and registred accordingly. As for the reason of repealing the first of these Acts (besides what is touched in our Report) we observe to you that the said Act seems to be only for quieting the present possessors of Plantations in that Island, without any regard to the future quiet of the Island, by providing that in all times hereafter all Suits shall be prosecuted in a certain time, as is usual, and what makes it also lyable to objections is, that (according as it is penned) not only all persons that had right when the Act was made are obliged to enter or prosecute within three years after the date of the Act, but all persons that should then after have any title should sue within three years after the date of the said Act. And as for the second Act, it not being conformable to the directions of H.M. Commission, you are to form such other Act as may be proper to be proposed to the Assembly of that Island in lieu thereof. We have also considered the remaining Acts of the General Assembly of all the Islands held at Nevis and send you here inclosed a Copy of our Report thereupon, which H.M. has been pleased to approve. You will thereby perceive the reasons given H.M. for repealing the *Act to settle General Councills and General Assemblies, etc.*, which as it is drawn we conceive is very irregular, and a breach of the Constitution of that Government, and further seems to be a matter of distrust in any one Island, that by their being concluded by the majority they may be oppressed by such majority, which implies a distrust likewise of you their chief Governour, when by your last negative voice it always remains in your power to hinder the enacting of anything that may be prejudicial to all or any of the Islands. The order for the repeal thereof is here inclosed, and you are to take care that the same be published and registred accordingly. There are two other of those Acts that we have omitted to mention in our said Report, the one (*to prevent Papists from settling, etc.*) being in expectation of your answer to what we have already writ you about it; the other *to prevent any trade or commerce with the French, etc.*, which appearing to be of great consequence we have thought fit to leave it as a probationary Act without H.M. confirmation, it remaining in the meantime in force till repealed. The other Acts of that General Assembly are confirmed. We have likewise laid before H.M. our Report upon the Acts of the Assembly of Antego held in June last (whereof you have also here enclosed a copy) which H.M. has approved; and you will thereby observe that they are all confirmed except three, which, being temporary, are expired. The Orders of Council for confirming the formentioned Acts of the several Islands will be taken out by the persons concerned or by the respective Agents. *Signed,* Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [*C.O.* 153, 8. *pp.* 185–189.]

1703.
May 27.
Whitehall.

742. Council of Trade and Plantations to Governor Sir B. Granville. We have not yet received any letter from you since your departure from hence, but have lately had one from Mr. Skene with the Acts of Assembly and Minutes of Councill, which shall be considered. We send you here inclosed duplicates of our letters of the 20th and 29th of Aprill, unto which we have nothing to add, but that upon the death of Colonel Andrews we have represented to H.M. that Colonel Thomas Maxwell, who stood first upon our list of persons well qualified to be Counsellors of Barbados, might be constituted a member of H.M. said Councill, which is accordingly done; and upon this occasion we send you here inclosed a copy of the said list as it now remains with us. that you may give us any observations thereupon that you think proper for H.M. service, and make such additions as you think fit. Having writ several letters to Bermuda under cover to Barbados, of which we have received no answer, we desire your care in sending forwards these inclosed by the first opportunity, to cause a receipt to be taken from the person who carrys them, and to send us a copy thereof, that he may be inquired of concerning their delivery whether he returne to Barbados or come hither. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. [*C.O.* 29, 8. *pp.* 306, 307.]

May 27.
Whitehall.

743. William Popple to George Larkin. The Council of Trade and Plantations not having received any letter from you, since my last of Aprill 29; but having received one from Captain Bennett of Dec. 24, they have ordered me to acquaint you that they do not perceive by his letter that you are under any restraint in the Bermuda Islands, or detained there by his authority, however, their Lordships have ordered me to send you the inclosed copy of H.M. letter to him upon occasion of your complaints, by which you will understand the care they have taken for procuring your release, which (if not done already) will undoubtedly be effectuall. They hope therefore you will be able to repaire to those parts where you have not yet been in pursuance of your Commission, and afterwards to the Leeward Islands, where H.M. has constituted you her Secretary; and they exhort you wherever you come to be very carefull in paying due respect to the dignity and character of H.M. Governours, and as much as possible to avoid all such heats and contests as these have been in Bermuda. [*C.O.* 38, 5. *p.* 391.]

May 27.
Whitehall.

744. Council of Trade and Plantations to Lt. Governor Bennett. We have received your letter of Dec. 24, with the papers inclosed just as the packet boat for the West Indies is about to saile. The cheife contents of that letter being about Mr. Larkin's carriage in the Bermuda Islands, we can add very little to what we have writ you already concerning him; and particularly in ours of the 29th of the last month, whereof you have here inclosed a duplicate, together with one of the 20th; only that it will be very fitt you send the said account and vouchers

1703.

because of the directions you will find in a letter from H.M., which is also here inclosed. You are punctually to observe in every respect. We expect your answer to the paper sent you by our Secretary, Nov. 13 last, whereof we also send you here inclosed a copy. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. *P.S.*—We are very much concerned that we have not received from you the proceedings of the Council and of the Assembly with the accounts of the Revenue and all other publick transactions which you are directed by your Instructions to transmitt quarterly, and duplicates by the next conveyance. [*C.O.* 38, 5. *pp.* 389, 390.]

May 27.
Council
Chamber
Whitehall.

745. Order of Committee of Council for hearing Appeals from the Plantations. Upon reading this day the Petition of Thomas Symcocks of Gallway, Merchant, *as follows*, ordered that a copy of the said Petition be sent to the Council of Trade and Plantations, with the desire of the Committee that upon speaking with the Lord Grey in this case, they return their opinion to the Committee therein. *Signed*, John Povey. 1 *p.* *Annexed*,

745. i. Alderman Symcocks to the Committee of the Privy Council for the affairs of Guernsey and Jersey and for hearing Appeals from the Plantations. The Appeal of Alderman Thomas Symcocks of Gallaway, Merchant, touching the seizing and condemning of the *Rebecca* and her cargoe having been admitted by an Order of Sept. 16, 1701, and directed to be heard at this Board the first Councill day of June last, the same was by an order of July 9 referred to your Lordships to hear and report. Since which your petitioner hath made several applications to your Lordships to have his appeal heard, but by reason of a question that arose before your Lordships touching the authority by which the Admiralty Courts in the Plantations are constituted, your Lordships have not thought fit to proceed to a hearing thereof till the several Governours have transmitted their answer whether they constitute their Admiralty Courts by their power as Governours or as Vice-Admiralls. By your Lordships' directions the Council of Trade and Plantations have written over to the several Governours on this head, but none of them have sent over any answer (save only the Governour of the Leeward Islands) insomuch that several Appeals have been stopt and the persons concerned been kept out of their estates for near these two years, and this appellant for this twelve months, to their very great damage, and the Rt. Honble the Lord Grey who was Governour of the Barbados upon the seizure and tryal of this ship being now in England, who will be able to give your Lordships satisfaction upon this point; it's most humbly pray'd that your Lordships would be pleased to give directions that the said Lord Grey may be required to give an

1703.

answer to this point in a short time, and that your Lordships will be pleased thereupon to appoint the said Appeal to be heard. *Copy.* $1\frac{3}{4}$ *pp.* *The whole endorsed.* Recd. Read June 4, 1703. [*C.O.* 323, 5. *Nos.* 15, 15.i.; *and* 324, 8. *pp.* 253–256.]

May 27. New York. **746.** Governor Lord Cornbury to the Earl of Nottingham. I have obeyed H.M. commands directing Letters Patents to be passed under the seale of this Province for constituting Dr. John Bridges Chief Justice in the room of Mr. Atwood, and for constituting Mr. Broughton Attorney-General, and we are now taking the best measures we can to obey H.M. commands for the restoring Col. Bayard and Mr. Hitchins to their estates and for reversing the judgment against them. *Signed,* Cornbury. *Endorsed,* Recd. R. July 20, 1703. 1 *p.* [*C.O.* 5, 1084. *No.* 18.]

May 27. Whitehall. **747.** Journal of Council of Trade and Plantations. Letter from Mr. Skene, March 12, read, and papers enclosed laid before the Board.

Upon further consideration of the letter from Capt. Bennet, Dec. 24, directions were given for preparing a letter to Lord Nottingham.

Letter to Governor Codrington signed.

Letter to Lieut. Governor Handasyd signed.

Letter to Lt. Gov. Bennet signed.

Letter to Mr. Larkin approved.

Letter to Governor Sir Beville Granville signed.

Ordered that the Acts of Pennsylvania, Virginia and Barbados now lying in this office be sent to Mr. Attorney General, and the Acts of Maryland and Jamaica to Mr. Solicitor General, with letters.

Letter from Mr. Thurston, May 25, read. Directions given for preparing letters to Mr. Lowndes and Mr. Burchet.

May 28. Mr. Blathwayt presented to the Board several books relating to affairs in the Plantation Office before the Constitution of this Board.

Letter to Lord Nottingham signed.

Letters to Mr. Burchet and Mr. Lowndes approved.

Letters to Mr. Attorney and Mr. Solicitor General approved.

Letter sent to Mr. Attorney General for his answer to the letter sent him the 4th inst., relating to the coin in the Plantations. Directions were given for preparing a Representation upon the same subject. [*C.O.* 391, 16. *pp.* 134–139; *and* 391, 96. *pp.* 405–411.]

May 27. **748.** Journal of House of Representatives of New York. Bill to supply the defects of an Act for appointing Commissioners to examine the publick accounts *etc.* read.

Address of the General Assembly to H.E. the Governor read:—"This Colony in its first and original model or project, 1664, was designed to extend from the West side of Connecticute River to the East side of Delaware Bay or River, being thought then a proper and sufficient territory for the settlement of one Plantation, Colony or Government. But the greatest part of it to the Eastward being in the possession of those who claime under a grant from the Crown, 1661, to the Governor and Company of the English Colony of Connecticut in New England, and all the lands to the westward of Hudson's River near the sea, and most capable of improvement, either by a wrong Representation or a supine neglect, having been lopt off, there only remains to this Colony a breadth of about 30 miles along the shoar; by wch. being reduced to narrow limits and a small number of inhabitants, it's the less able to sustain the burthens it labours under. The situation of this Colony not a little contributes to our calamities, the upper branches of Hudson's River stretching near others which run into the great river of St. Lawrence, afford the French of Canada an easie passage to annoy us on that side, and the Five Nations of Indians, the most warlike in these parts, living contiguous, oblige us to be at an extream charge to gain the uncertain friendship of a savage people, who otherwise would prove a dangerous and troublesome enemy, not only to this, but to all the rest of the English Plantations on the main land of America. The last warr drain'd us of a great part of our youth, who, to avoid being detacht to serve on the frontiers, forsook their native soyl to settle in the neighbouring Colonies and other adjacent places.

Since the Peace, this Collony has raised above 22,000*l.* in publick moneys, a great part of which has been lavisht so profusely and applyed contrary to the ends for which it was given and against the express letter of both the Letters Patents and Instructions to the late Governor, that must be no wonder if the People (were they able) should be averse to giveing, having fresh before their eyes such apparent examples of the unjust and unaccountable dispositions of their moneys. The languishing and decay of trade is what we cannot omit mentioning to your Excellency, which tho' possibly may be partly owing to the duties we have laid on goods and otherwise (while our neighbours are free) and the unlimited fees taken by the Officers of the Custome House, not less than the present war, yet the practice of the Admiralty must in time deter all mankind from coming among us, which having been in the same hands with the office of Chief Justice, its powers is uncontroulable, for a man to prohibite himself against the byass of 7½ *p.c.* seems a difficulty not easily got over. It cannot but be obvious to every common man what encouragement it is for any man that has something he may call his own to expose it by coming to trade where he has no other assurance of his property but the self-denial of a Judge, awarding against his own profit and interest.

The Colony being thus exhausted of men and money, your Lordship is a most competent judge in this exigency how capable we are of contributing to the charge of erecting those batteries your Excellency intends for our defence, especially of bringing them to that perfection wch. may render them any tolerable security. This being the state and condition of this Colony

1703.

at present, we humbly offer the same to your Lordship's consideration, humbly beseeching your Excellency's intercession with her most sacred Majesty to extend her gracious bounty to these impoverisht parts in bestowing what in her Royal pleasure she shall judge requisit towards the finishing the intended fortifications; and that H.M. will be pleased to give effectual directions that all our neighbours who may receive any protection from them, may assist proportionably to the benefit they may receive; not in the least doubting but in whatsoever it lies in your Excellency's power to relieve us, we shall find speedy redress, and without which (though we may for a time linger and gradually consume) the Colony must at length inevitably come to ruin and destruction. *Signed*, William Nicoll, Speaker, Col. John Jackson, Col. Matthew Howell, John Abeel, Evert Banker, Col. Killian van Renslaer, John Stilwell, Abra. Lockerman, Josiah Hunt, Stephen de Lancey, Col. Jacobus Cortlandt, Capt. Thomas Codrington, Major Daniel Whitehead, Major William Willet, Joseph Purdy, Col. Henry Beekman, Capt. Thomas Garton and Meyndert Schuyler.

The House attending, H.E., upon receipt of this Address, said that he was always ready to receive the Addresses of this House, and that he should never be wanting to do what lay in his power for the good of the Colony pursuant to the authorities in his Commission and Instructions.

Bill to amend the Act for appointing Commissioners of Accounts was read the second time and committed.

May 28. Bill for prohibiting the distilling of rum and burning of oyster-shells within New York *etc.* sent down with amendments, which were agreed to, and the Bill was sent up.

Bill for settling the estate of David Briggs was read a third time and sent up.

Bill for raising 1,500*l.* towards erecting two batteries at the Narrows was read the first and second time and committed.

May 29. The above Bill was read a third time and agreed to with amendments.

Bill to amend the Act for appointing Commissioners of Accounts was read a third time with amendments and agreed to. [*C.O.* 5, 1185. *pp.* 63–70.]

May 28. Whitehall. **749.** William Popple to Sir Edward Northey. Desiring reply to letter of May 4 as soon as may be, the Council of Trade and Plantations deferring their report to H.M. until they shall receive your answer. [*C.O.* 324, 8. *pp.* 248, 249.]

May 28. Whitehall. **750.** Council of Trade and Plantations to the Earl of Nottingham. Having lately received a letter from Lt. Gov. Bennett, Dec. 24 last, wherein he has sent us a deposition made by Lawrence Heading relating to the state of the Havana, and the designs of the French in the West Indies (particularly against New Yorke), we send your Lordship here enclosed a copy thereof, and according to our duty observe to your Lordship that by my Lord Cornbury's last letters (an account whereof we laid before H.M. April 2) it appears that there is great want at New Yorke of arms, ammunition and other stores of war necessary for the defence of that Province; all the armes of the four Companies there being very bad. And whereas they ought to consist of 400 men, they doe want near 100 recruits. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. 1 *p.* [*C.O.* 5, 1084. *No.* 19; *and* 5, 1119. *pp.* 486, 487; *and* 38, 5. *p.* 392.]

May 28. Whitehall. **751.** William Popple to Wm. Lowndes. The Council of Trade and Plantations having received from Mr. Thurston a list of cloathing to be sent for the use of the Company at Newfoundland (*May* 25), with desire that directions may be given as formerly to the Commissioners of the Customs for passing the said clothes etc. custome free, they send you said list to lay the same before the Lord High Treasurer for his direction. [*C.O.* 195, 3. *p.* 232.]

May 28. Whitehall. **752.** William Popple to Josiah Burchet. In answer to your letter of the 19th instant relating to the money to be sent to Newfoundland for providing drink made of molosses for the Company of soldiers instead of malt which has been usually sent thither other years, the Council of Trade and Plantations have ordered me to acquaint you that they conceive Captain Richards, the present Commander, or the Commander of the said Company for the time being, to be the most proper person to whom either that money, or any other summe necessary to be sent thither for the use of the said Company may be consigned; and to desire that the Captain of the *Centurion*, when he shall be about to saile, may be directed to receive the said money into his care, and upon his arrival there to deliver it to the said Commander of the Company, and take his receipt for the same and return it to their Lordships. [*C.O.* 195, 3. *p.* 231.]

May 28. Whitehall. **753.** William Popple to Sir E. Northey, Attorney General. The Council of Trade and Plantations have ordered me to send you the Acts of the Generall Assemblies of Pennsylvania, Virginia, and Barbados, which you will herewith receive together with lists of each respective parcell, for your opinion thereupon in point of law, and their Lordships further desire that as soon as you have considered any one parcell of them, the same may be returned to their Lordships without staying for the rest, in order to a quicker dispatch. *Annexed*,

753. i. List of Acts of Barbados, Nov. 5, 1701—Jan. 21, 170⅔. [*C.O.* 29, 8. *pp.* 308–315.]

May 28. **754.** List of Acts of Virginia referred to in preceding. [*C.O.* 5, 1360. *pp.* 381–384.]

May 28. **755.** List of Acts of Pennsylvania referred to in preceding. [*C.O.* 5, 1290. *pp.* 322–330.]

1703.

May 28. Whitehall. **756.** William Popple to Sir Simon Harcourt, H.M. Solicitor-General. *Enclosing* Acts of Maryland and Jamaica for his opinion in point of Law. The Council of Trade and Plantations desire that so soon as you have considered any one parcell of them, the same may be returned to their Lordships without staying for the rest, in order to a quicker dispatch. *Annexed*,

756. i. List of Acts of Maryland referred to in preceding. [*C.O.* 5, 726. *pp.* 261–264.]

May 28. **757.** List of Acts of Jamaica, March 17—Aug., 1702. Sent to Mr. Solicitor-General, May 28. [*C.O.* 138, 10. *pp.* 471, 472.]

May 28. Whitehall. **758.** Council of Trade and Plantations to Lt. Gov. Handasyd. You have here inclosed duplicates of our letters of the 20th and 29th of the last month. We have now received one from you of March 30, with several Minutes of Councill and of the Assembly, and an Act relating to the settling of Kingston *etc.*, all of which we have under consideration.

As to the account of the Revenue, we observe that it reaches only from March 25, 1702, to Sept. 29 following; whereas it ought to have begun from the time when the last account sent us from thence ended, which was Oct. 7, 1700; so that there is an interval of near eighteen months between those two accounts; which you are therefore to take care to fill up, by transmitting authentick copies of ye accts. for yt. time by ye first opportunity. As to the foresaid Minutes, we observe also that they are not compleat. Those you have sent us of the Assembly (separate from those of the Councill in Assembly) doe not commence from the beginning of the Session, which was Jan. 13, but only from Feb. 22, whereas we understand from the Earl of Nottingham that you have sent him seperate Minutes of the Assembly from the 14th to the 29th of January, relating to their debates about Port Royal and Kingston, which his Lordship has communicated to us. You are required by H.M. Instructions to transmit unto us copies (not extracts) of all publick Proceedings whatsoever, which we have already intimated to you, and upon this occasion are again obliged to admonish you punctually to observe the same; not only towards us, but to all other offices where anything of this kinde is required from you. We expect your particular answer to what we writ you in our last relating to the Act for preventing the resetling of Port Royall, which will be very necessary to us in determining our opinion upon this you have now sent us for setling of Kingston, etc. In the mean time, however we shall proceed in the consideration of these matters, and give you further directions thereupon as may be necessary. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen. [*C.O.* 138, 10. *pp.* 472–475.]

May 28. **759.** Minutes of Council of the Massachusetts Bay. The General Assembly being then sitting, H.E. intimated a General Council upon June 5 for the nomination of Civil Officers.

1703.

May 29. 114*l.* 0*s.* 2*d.* paid to Lt. Col. Jonathan Tyng for wages due to him and the ten men under him posted in garrison at the fortification and trading house near Dunstable for their service from Dec. 25, 1702—May 25 currt. [*C.O.* 5, 789. *pp.* 509, 510.]

May 28. **760.** Minutes of Council in Assembly of the Massachusetts Bay. Joint-Committee appointed to examine several deeds, papers, etc. presented by sundry Indians of Martha's Vineyard etc., and report thereon.

Samuel Hayman, elected of the Council, took the oaths appointed and subscribed the Declaration, and took the oath of a Councellor.

Message sent up from the Representatives that they were ready to proceed to the election of five persons for Councellors in place of those negatived by H.E., which H.E. directed them to do. They elected, of the Inhabitants or Proprietors of Lands within the territory formerly called the Colony of the Massachusetts Bay, Samuel Legg, Ephraim Hunt, and Samuel Appleton. Of the Inhabitants or Proprietors of Lands within the territory formerly called the Colony of New Plymouth, Isaac Winslow and Nathaniel Payne. H.E. underwrit his acceptance of the said five persons elected upon the list and sent it back to the House.

Samuel Legg took the oaths etc. appointed as Councillor.

May 29. Petition presented by the town of Mannamoy in the County of Barnstable, praying this Court to hear and determine a difference between the said town and the town of Harwich relating to their bounds, read and sent down to the Representatives, with a Message that forasmuch as this and several other cases of like nature are depending, a Surveyor General be forthwith appointed.

Resolved, that all soldiers posted and to be posted in garrison receive but 5*s.* per week a man for pay, whilst they continue to serve in garrison; this to commence where it has been otherwise used from May 26. Sent down to the Representatives for concurrance. [*C.O.* 5. 789. *pp.* 821–823.]

May 29.
New York. **761.** Governor Lord Cornbury to the Council of Trade and Plantations. On the 3d of April last I received a packet from your Lordships with several Proclamations enclosed, directing a publick day of thanksgiving to be observed in England, upon occasion of the great and glorious success of H.M. Armes, and your directions for observing a day of publick thanksgiving here in this Province and in New Jersey. In pursuance of your Lordships' commands, I issued a Proclamation directing April 15 to be observed throughout this Province, which was strictly observed. I likewise wrote to some of the gentlemen of New Jersey, who have acted as Justices of the Peace in the time of the Proprietary Government, to take care that a day of thanksgiving should be observed in that Province; but I did not think it proper to issue a Proclamation there, because my Commission for that Government is not yet come, and I was doubtfull whether

that people (who are prone enough to throw off all government) would obey such a Proclamation. knowing that I have not yet received my Commission. It would be very well if it were come ; for at this time they are under no manner of Government, which is a great mischeif to this Province. as well as to that ; for if any servant here is disatisfied. or any souldier has a mind to desert, it is but crossing Hudson's River and they are safe. On April 4. I received by way of Barbados another packet from your Lordships containing the same directions as the former which came by way of Boston. On the seventh of this instant May I received two letters from your Lordships dated Jan. 26. I have directed the Acts of Assembly, which H.M. has been pleased to disallow, to be taken out of the Secretary's Office and to be destroyed. The other Acts, of which you are pleased to send me a list, I will by the next ship. which will saile in about ten days, give your Lordships an account of them. I perceive by your second letter of the 26th that H.M. has been pleased to confirm what I had done here relating to Atwood, Weaver, and the rest of those I had dismissed from the Council of the Province. I humbly thank your Lordships for your favour in those matters. I will endeavour by my behaviour here to deserve the continuation of your protection. I intreat you to believe that I will continue my utmost endeavours to reconcile the differences that still remain. in some measure, among the people of this Province, tho' nothing near so much as formerly. Atwood and Weaver still continue writing to the people that are called here the Black Party, and incourage them to continue in the same obstinate ways they left them in ; but I hope in a little time their eyes will be opened. I perceive by your Lordships' letter of February 22, that you are informed of divers severe prosecutions in New Yorke, upon occasion of the late Government and former resentments. I can not enough admire the confidence of those people who dare offer such falsehoods to your Lordships ; for I do positively affirm that there has not yet been any one Proceeding in any Court whatsoever against any person upon occasion of the late Government and former resentments, by the Government. I think Coll. Bayard has brought his action against some of his jury. I doe assure you I shall always punctually observe whatever you shall think fit to enjoyn me, and I shall always use my utmost care and diligence towards the quieting the minds of the people. The General Assembly of this Province is now sitting. I hope by the next ship to be able to give your Lordships a good account of their proceedings. I take leave to acquaint you that I have lately had a visit from Coll. Nicholson, Gouvernor of Virginia. I find that gentleman extreamly zealous for the Queen's service. He perfectly understands this vast continent. I doe not doubt but he will give your Lordships very good informations of all matters relating to those parts. He has promised to come hither again when the great heats are over, at which time Col. Dudley will be here, at which time we do intend to consider of all such things as may be proper to lay before your Lordships for the welfare of these Collonys, and for the making them more usefull to England; and really there will be many things worthy your Lordships' consideration, and perticularly with respect to the Charter Governments; I think it my duty to acquaint you that Collonell Hamilton is dead, and Mr. Pen's Councill have taken upon them the Government. I have some letters from Philadelphia which inform me that they have lately held Courts of Judicature there, in which they have condemned people to death by Judges that are Quakers, and by a Jury of Quakers, and neither Judges nor Jury under any oath. These proceedings have very much startled the gentlemen of the Church of England in Pensilvania. *Signed*, Cornbury. *Endorsed*, Recd. 19th, Read 20th July, 1703. 2½ *pp.* *Annexed*,

761. i. Abstract of preceding. 1½ *pp.* [*C.O.* 5, 1048. *Nos.* 58, 58.i.; *and* (*without abstract*) 5, 1120. *pp.* 1–5.]

May 29. Admiralty Office. **762.** J. Burchett to William Popple. Orders will be sent to the Capt. of the *Centurion* to receive and dispose of the money referred to [*See May* 28], and therefore it will be necessary that it bee despatched away to the Downes as soon as 'tis possible. *Signed*, J. Burchett. *Endorsed*, Recd. Read May 31, 1703. *Addressed*. *Sealed*. ¾ *p.* [*C.O.* 194, 2. *No.* 124; *and* 195, 3. *p.* 233.]

May 29. Admiralty Office. **763.** J. Burchett to Mr. Popple. Severall merchants of London trading to Virginia, having delivered into this office a Memorial to his Royal Highness, by which (for the reasons contained therein) they desire that, instead of July next, the convoy to their Trade may not sayle before September or October, I am commanded by H.R.H. to send you the enclosed copy of of their said Memorial, and to desire you will lay the same before the Councill of Trade and Plantations, it being the Prince his desire, that they will discourse the persons concerned with trade to those parts, and give H.H. their opinion upon the whole matter, for that the month of July was fixed for the convoys sayling, upon a Memorial from their Lordships, and if they may now conveniently stay to September or October, the ships may till then be employed on necessary services at home. *Signed*, J. Burchett. 1 *p.* *Enclosed*,

763. i. To H.R.H. Prince George of Denmark, Lord High Admiral of England. The humble Memorial of sundry long experienced Traders to Virginia and Maryland, setting forth the reasons against and the inconveniences that will attend the sending out a fleet thither with a general convoy the beginning of July, which is reported to be the time prefixt this present year. In no time in our memory July was ever before proposed by the Government or desired by the Traders thither, but September or October was always esteemed the most proper season, both in peace and warr, to send ships to that country. If the fleet for Virginia do depart England in September or beginning of October, may

1703.

be at their loading ports as soon as tobacco will be got ready for them, and be as quick dispatched as if they had gone three months sooner, for any time before February is earlier than tobacco in general is made ready in hoggsheads. Should the convoy depart in July, not above one half of the ships that are now preparing to goe could possibly get ready to proceed therewith, seamen (cheifly) not to be had upon any account sufficient for such a fleet, which may lessen H.M. customes, besides the creating an unnecessary charge in sending the convoys so early, that if they bring the Fleet that goes with them loaden home, must stay 3 months longer in the country than is needfull. As men cannot be procured betwixt this and July for half the ships designing to goe, so it is not in the least doubted, but by September or October other merchant ships will be returned from abroad with men sufficient to furnish the whole fleet for Virginia and Maryland, without leaving any behind to the prejudice of the concerned. Perhaps to hasten the said fleets going in July it may be insinuated that the countrey will want a supply of cloaths and necessaries, which cannot be, by reason above 100 sayle of ships from London and other ports are gone to Virginia and Maryland since January last, most of which carryed goods proper and sufficient for their occasions. Our principal aim being for the publick good without any reserve, cannot doubt your favourable concurrence. *Signed*, 10 *signatures*. 2 *pp*. *The whole endorsed*, Recd. Read May 31, 1703. [*C.O.* 5, 1313. *Nos*. 18, 18. i; *and* 5, 1360. *pp*. 384–387.]

May 30. **764.** Lt. Gov. Handasyd to the Council of Trade and Plantations. I received your Lordships' letters of Feb. 23 and March 23 on May 23, and am mightily concerned to find that none of mine are come to your Lordships' hands, only that of Feb. 3, so that mine of Dec. 10 in which I recommended Lt. Coll. Francis Rose as a man fitt to sit in Council in the room of Sir Thomas Muddyfor decd. you received not, tho' I wrote to my Lord Nottingham, and another to Mr. Blathwait at the same time, and my Lord Nottingham answered mine, wch. letter had your Lordships received, I am apt to believe you would have been satisfied with the account therein given, but I am not surprised att this Disapoyntment since H.M. Commission to me as Lieut. Governor was detained from me nere six months, it bearing date the 20th of June, and I receiving itt the 4th of December following. I hope for the future so to manage itt as in case of the failure of my letters by any accident, others may arrive wch. will satisfie your Lordships of the sincerity of my meaning in giving you the most satisfactory acct. I am capable of, tho' since my coming to this Government, I believe no Gally slave has had so many hardships, and gone through so many difficulties as I have by faithful endeavouring to

1703.

discharge H.M. trust, and to do everything for the good and welfare of the Island, and that through the malice and contrivance of some base designing men, who have endeavoured to put us all here in a flame in hopes to gain their own ends, either by advancing themselves or their friends by itt, but I hope they may be catcht in the flame and rewarded according to merritt I have understood by some friends that some have endeavoured by themselves or their Agents to misrepresent me not only to the Prime Ministers of State but likewise to your Lordships, that I have turned out severall officers here, such as the Attorney General, Provost Marshall, and whom else they think fit to name. As to the late Attorney, I do own that I did suspend him till H.M. pleasure was farther known; the first reason is, he is stone blind, the second is, he had sold off his goods and was going of this Island for New York ere I entered on the Government and is now gone from hence; the third, his not taking any notice of me after my comeing to the Government in three weeks time, either to advice me as a stranger just come to the Government, or that he was Attorney General, and to know if he could be serviceable or anything like itt, fourthly his base and treacherous behaviour to the late Sir W. Beeston in exposing a letter of his in the General Assembly, relating to the business of the Crown, after Sir William's departure from hence, which shows his base principles. As to the Provost Marshall, he himselfe nor no man that pretends to honour or honesty can say I turned him out. So farr the contrary that I courted him with the most oblidging ways to continue in that employment, wch. he refused positively, and would in no ways be concerned or act, nay not so long as the return of the Writts for calling an Assembly, wch. were issued in his time, wch. was like to be of bad consequence by such delays, I having none to put in to act in his business who was immediately versed in it, neither would he recommend any one that he knew qualified for it. So that I was obliged by the pressing necessities of H.M. affairs and the Island's to put a gentleman in till H.M. pleasure was known. But I find I am not the first that has met with such usage in these parts, as well from them here as from their Agents at home. As to the two Minutes of Council you are pleased to mention, I hope that you will be fully convinced that I never concerned myselfe with any of H.M. publick Revenue by the Minutes of the Council of May 28. As to the Lord Nottingham's letters and the two Instructions sent by your Lordships, after a great deal of difficulties, tho' I could not obtain what is required in the Publick Instructions, viz. perpetuity, yet I have the private, viz. one and twenty years, as you'l see by the Minutes of the Assembly of the 28th May, where you will likewise see what has been done since the last Minutes sent. Your Lordships seem to resent it of me that I do not often send the Minutes, but I do assure you I sent for seaven weeks together twice a day for them, yet could not obtain them till after their last Prorogation, which was for about one and twenty or two and twenty days, so that I hope your Lordships will see 'tis no neglect of mine. You will also find by the Minutes

1703.

of Council, May 28, what answer we have given to my Lord Nottingham's letter in relation to the French and Spanish trade. The Chief Justice, Col. Laws, being gone for England and not designing to return, I have requested Col. Beckford to accept of the same, that Justice and the due course of Law might not be interrupted, and the Grand Court is accordingly sitting. The strength of the white men in this Island (all under H.M. pay att sea and land excepted) is thirty-five hundred or thereabouts; the negroes and mulatta slaves is about forty-five thousand. Here is come into Port Royall harbour six days agoe five companies and a halfe of Brigadier Collenbine's Regmt. and one of Lt. Gen. Earl's, who were separated from their convoy 50 leagues this side the Island of Maderas. There is still here the two companies that came from New England, and still on ship board in a miserable condition, having neither clothes nor money, nor the Island will allow them no quarters, and I have disbursed as much as I could possibly spare of my own money to keep the officers from starveing. I find myself oblidged to put you in mind, if you approve of it, that a Government may be appointed for the Bay of Campeachy (for fear the French or Dutch should put in one in case a Peace is concluded), which will be of advantage to the Crown, and I have wrote to my Lord Nottingham to the same purpose. I am sorry I have given your Lordships any occasion of dissatisfaction with me, in being too concise in my acct. of matters, but shall for the future use my constant endeavours to redress itt by giveing your Lordships the best account I can of things worth your Lordships' cognizance, and I shall not doubt of your Lordships' favour towards me as long as I behave myselfe as an honest man, wch. character I hope I shall never forfeit in the oppinion of good men. *Signed*, Tho. Handasyd. *P.S.*—There is an Address from myselfe, Council and Assembly to H.M. directed to Sir Gilbert Heathcote and Sir Batho' Graecdieu, requesting them to present itt to H.M., I having first desired them to shew itt to your Lordships. *Endorsed*, Recd. August 21, Read Sept. 9, 1703. *Addressed*. 2½ *pp*. *Annexed*,

764. i. Abstract of preceding. 2¾ *pp*. [*C.O.* 137, 5. *Nos.* 107, 107.i.; *and* 138, 11. *pp.* 5–11; *and* (*abstract only*) 137, 41. *pp.* 11, 12.]

May 31. **765.** Attorney General to the Council of Trade and Plantations. On consideration of the annexed Law, since the Crown hath been pleased to give leave for the making laws in the Plantations, reserving only the power of approving or annulling the same, and this Law having been approved absolutely and not for any time or with any reservation to the Crown to repeale it, if it should be found to be inconvenient, I am of opinion the coines therein mentioned are made currant at the values therein mentioned, and shall continue so till the same be repealed by another Act of the General Assembly of that Colony, the passing of an Act there with the absolute confirmation of H.M. having the force of an Act of Parliament

1703.

made in England. *Signed.* Edw. Northey. *Endorsed.* Recd. Read May 31, 1703. ¾ *p.* *Enclosed,*

765. i. Copy of Act of the Massachusetts Bay *for ascertaining the value of coynes currant within this Province.* 1 *p.* [*C.O.* 323, 5. *Nos.* 14, 14.i.; *and* 324, 8. *pp.* 249, 250.]

May 31. Whitehall. **766.** Journal of Council of Trade and Plantations. Mr. Attorney General's opinion upon the coinage in the Massachusetts Bay read.

Letter from Mr. Burchet, May 29, with Memorial of the Virginia traders read. Ordered that the merchants (as well such as have not signed the memorial as those that have) be summoned to attend this Board on Wednesday afternoon, and further that Mr. Burchet be desired to inform their Lordships what men of war will be remaining in Virginia when the convoy last sent (wch. they understand is to stay but few days) shal be come away.

Mr. Champante and Mr. Thrale being now present [*see May* 25], the box of clothes was opened; and Mr. Champante offering to produce the pattern of what was sent over by him, that both may be compared together, he was directed to do it on Friday, and both of them again to attend then.

Letter from Mr. Burchet, May 29, read. Ordered that Mr. Thurston do attend the Board to-morrow in order to such further directions as may be necessary for the dispatch of the affairs of Newfoundland. [*C.O.* 391, 16. *pp.* 140–142; *and* 391, 97. *pp.* 413, 414.]

May 31. **767.** Journal of Assembly of Jamaica. Absent Members fined 20*s.* each. [*C.O.* 140, 7. *p.* 33.]

May 31. **768.** Minutes of Council in Assembly of Massachusetts Bay. Ephraim Hunt took the oaths *etc.* as a Councillor.

Petition of John Gardner of Gardner's Island within the Government of New York, praying that Jeremiah Dummer on his behalf may have liberty to inspect the Records and papers relating to a quantity of goods and treasure put on shoar at his Island by Capt. Kidd, and sent for from thence by the Lord Bellomont, then Governor, and to have copys thereof attested by the Secretary, was granted.

H.E. summoned the Representatives, and intimated to them his intention to goe to the Eastward to-morrow seven-night to speak with the Indian Sachems, and to endeavour to steady them in the English interests, and desired that the House would bring forward the tax and the other necessary buisness before them, and proceed to-morrow to the choice of a Surveyor General.

An accompt of the Bills of Credit remaining in the hands of the Committee appointed to imprint and signe the same, and their demand for their service was read and sent down to the Representatives.

Petition of Edward Gouge, of Boston, complaining of his being illegally restrained and imprisoned, was read.

1703.

Ordered that the time allowed for Joseph Hill's experiment [*see* May, 1702.] be continued to the next Session of this Court. The Representatives concurred.

John Thacher, Jonathan Sparrow, and Sheerjashub Bourne and Major William Bassett were commissioned to have the rule and government of the Indians within the County of Plymouth and Barnstable pursuant to the Act for the better rule and government of the Indians.

H.E. intimated that, it being necessary a Commissary General be appointed for the supply of the garrisons and forces *etc.* imployed in this time of war, he should commissionate Andrew Belcher.

Ordered that a Bill be brought in for further continuing of several Acts that are near expiring, vizt. referring to the Indian Trade, to souldiers and the frontiers. [*C.O.* 5, 789. *pp.* 823, 824.]

[May.] **769.** (*a*) List of the Council of Barbados.

(*b*) List of persons recommended to be of the Council of Barbados:—John Hallet, Thomas Sadler, Col. John Lesly, Col. Abel Alleyn, Richard Downs, Lt. Col. Robt. Harrison, Christopher Estwick, John Mills, Richard Worsam, John Lucy Blackman, Thomas Hothersal, Thomas Maycock, Jonathan Downes, Wm. Adams. ¾ *p.* [*C.O.* 28, 38. *No.* 11.]

June 1. Whitehall. **770.** William Popple to Josiah Burchett. The Council of Trade and Plantations are about to hear the merchants concerned in the Virginia Trade, upon the subject of their Memorial, and desire to know what men of war will be remaining in Virginia, when the convoy last sent shall be come away. [*C.O.* 5, 1360. *p.* 388.]

June 1. Admiralty Office. **771.** J. Burchett to William Popple. When the ships of warr come from Virginia which last sayled thither, there will none remaine at that place, for they are all ordered to come away with the Trade. *Signed*, J. Burchett. *Endorsed*, Recd. Read June 2, 1703. *Addressed.* ¾ *p.* [*C.O.* 5, 1313. *No.* 19; *and* 5, 1360. *p.* 389.]

June 1. Whitehall. **772.** William Popple to Sir E. Northey. The Council of Trade and Plantations have considered your opinion touching a Law in New England regulating the rate of foreign coins in that Colony (afterwards confirmed by the Crown) which opinion does serve for their guidance; and they are further desirous to know from you whether H.M. may not by her Royal Prerogative settle the rates of foreign coins in her Plantations in America by Proclamation as well under Proprieties as under H.M. immediate Government so far forth as does not contradict any law confirmed by the Crown. And whereas there is an Act past in Pennsylvania *Appointing the rate of money or coin within that Province and Territories, and for preventing the clipping of the same* now in your hands, not yet confirmed by the Crown, which will be

1703.

necessary to be repealed upon issuing such Proclamation, their Lordships desire likewise your opinion therein. [*C.O.* 324, 8. *pp.* 250, 251.]

June 1. Whitehall. **773.** Journal of Council of Trade and Plantations. Report concerning the different rates of foreign coines in H.M. Plantations considered. Letter to the Attorney General on that subject ordered.

Mr. Usher acquainted their Lordships that he is about to embark for New England in a few days, and offering his service there in what this Board may think fit to command him, their Lordships resolved to take into consideration the Order of Council relating to his Commission in the first opportunity.

Mr. Cobb proposing that, instead of the two Acts of Mountserrat which have been lately repealed, there may be draughts of other Acts for the like purposes sent from hence to be passed there *totidem verbis*, and desiring a copy of the Representation of this Board, he was told that directions have already been given to Col. Codrington about that matter. Their Lordships did not therefore think fit to give him any copy of the said Representation.

June 2. Sir Richard Levett and other merchants attending on the one side and Mr. Perry *etc.* on the other, the latter presented to the Board a Memorial in answer to the petition to H.R.H. for delaying the departure of the Virginia convoy, *etc.*, which was read. The subscribers to said petition laid before the Board a list of 24 ships which cannot be ready till September, and further offered that the country is pretty well supplied with necessaries by the last Fleet; that tobacco is seldom ready till December and sometimes not til January or February; that the voyages are usually longer and more sickly in summer than in winter; and that the early departure of the Fleet will cause a needless stay of the men of war in the country, and expense to the Crown, when they might be more useful at home. Those of the contrary opinion denied that the goods already sent are any way proportionable to the wants of the country; adding that there are three times as many ready to be sent by the next fleet as were sent by the last, and that if it do not part early, it will be impossible they can arrive time enough for the cloathing of those that want it before winter. They insisted more especially that the goods now to be sent are for the account of the inhabitants themselves, who want them, whereas those sent last are only for the account of merchants here, who desire the delay of the departure of the next convoy only for their own advantage, that their goods (already at the market) may find a better sale, whilst the country is in want. They observed also that whenever the time may be appointed for sailing, it is very probable the ships may be detained here much longer than the appointment by contrary winds or other accidents, and if that should run them too far into the winter, it would be very prejudicial to every one. After which hearing of both sides, and after reading a letter from Mr. Burchet, June 1, directions were given for preparing a Report.

1703.

Mr. Thurston attending in reference to the affairs of Newfoundland. letter to Mr. Burchet ordered.

June 3. Newfoundland enquiries and instructions ordered to be signed and sent to Mr. Burchet.

Letter to Capt. Richards signed.

Representation relating to Mr. Usher's Commission agreed upon. [*C.O.* 391, 16. *pp.* 142–148; *and* 391, 97. *pp.* 417–425.]

June 1. **774.** Journal of Assembly of Jamaica. Capt. Thomas Freeman was fined 50*l.*, which he refused to pay, and was ordered to remain in custody till he pays.

A Committee was appointed for providing for the soldiers.

Andrew Orgile attending in custody, and offering excuses, was fined 6*l.* and discharged.

June 2. Capt. Freeman, having satisfied his fees, was discharged.

Bill for providing for the officers and soldiers was debated.

June 3. Bill for the better collecting and paying H.M. quit-rents ordered to be brought in to-morrow.

Bill for deviding the parish of St. Elizabeth read the third time.

Message sent to the Governor to enquire when there would be a Council. Answer returned, that there would be one, if possible, at 3 a clock afternoon.

Act to prevent the incursions of an enemy on the sea-coasts was read the third time.

Committees appointed to bring in several Bills.

Leave granted to bring in the Bill for providing for the soldiers to-morrow.

The engrossed Acts were sent up, with a message to enquire what is become of the Bill to impower Commissioners to enquire after the Port Royal money. [*C.O.* 140, 7. *pp.* 33, 34.]

June 1. **775.** Minutes of Council in Assembly of the Massachusetts Bay. A Bill for continuing of several Acts near expiring was read the first time.

H.E. not coming to town, sent an order to adjourne until to-morrow.

June 2. Samuel Appleton was sworn a Member of Council.

Bill for continuing Acts read a second and third time and sent down.

Vote of the Representatives, that the hearing of Samuel Gibson be deferred till next session, agreed to.

Committee appointed to examine the Indian papers reported, that they found "that what the Indians desired was a confirmation of their lands to them according to the wills and grants of their deed. Sachems, but said wills not having been proved in due form of law, nor drawn up in form as is usual among the English, it lyeth only in the power of this Court to releive them, and to allow or give orders for the allowing of the same, and in order to a just proceeding therein, we humbly offer to the consideration of the Assembly that all townships or particular persons concerned, that would contest said wills or claim any of said lands,

1703.

be notified to appear with the Indians at this Court at an appointed time, and that in the meantime all concerned forbear all proceedings in law." *List of claims annexed.* Ordered accordingly, the parties with their witnesses and documents to appear next session. The Representatives agreed.

10*l*., and 2*l*. per annum for life was granted to Samuel Wright of Northampton, lame of a wound received in the first Indian war, upon the recommendation of the Representatives.

Ordered, that the Act for giving succours and assistance to the neighbouring Provinces and Colonys, be continued to the end of the session of the General Assembly to be convened May, 1704. This order was sent down to the Representatives for their concurrance.

Resolve of the Representatives, for granting a hearing before this Court at their next session unto Joseph Ballard of Medfield, was negatived.

Petition of several of the inhabitants of Lancaster granted, upon a resolution of the Representatives that, inasmuch as they were driven out by the enemy and the place wholly deserted, their former agreement for the maintenance of their Minister is now null and void, and they ought to levy their Minister's rate upon their inhabitants in equal proportion as the Law directs.

Petition of John Campbell, Master of the Post Office in Boston, for provision to be made for the upholding and encouragement of the same, was read and committed.

June 3. An address of sundry Ministers for further provision to be made by law for the upholding and encouragement of Schools, read. Joint Committee appointed to prepare a Bill for that purpose for next session.

Upon a petition of several inhabitants of Lancaster, ordered that yesterday's vote be suspended, and all persons concerned be heard thereupon at the next session. The Representatives agreed.

Upon the petition of John Saffin concerning a negro withheld from him, the matter was appointed to be heard before the next Court of General Sessions of the Peace for Suffolk. The Representatives agreed.

Upon the report of the Committee upon the petition of John Campbell, ordered that 20*l*. be allowed the Post Master for his charge in time past, and forty pounds for the year ensuing; that all masters of ships arriving here under penalty of 5*l*. deliver their letters to the Post Master or his Deputy sealed up in a bag with an alphabetical list fairly drawn up, for each letter to receive of said Postmaster one halfe penny: that the now accustomed rates be paid for letters; that the Postmaster be freed from impresses, trainings and watchings. This vote was sent down for concurrence. [*C.O.* 5, 789. *pp.* 824–828.]

June 1. **776.** Journal of House of Representatives of New York. Bill, to supply the defects of the Act appointing Commissioners to examine the accounts of the Revenue, read the third time and sent up.

Bill, for raising 1,500*l.* toward erecting two batteries at the Narrows, read the third time and sent up.

Bill for the better regulating fees was read the first time.

June 2. Last mentioned Bill read the second time and committed.

The Militia Bill was sent down and agreed to without amendments. The House agreed to the amendments proposed by the Council to the Bill for emending the Act for defraying the public charges, and returned the Bill so emended.

Bill for regulating fees read a third time.

Petition of several inhabitants of the City of New York, complaining of great frauds dayly committed in tanning of leather, ordered to lie upon the table.

June 3. Bill for regulating fees was passed and sent up.

The House agreed to the Address of Congratulation to H.M. upon the success of her Arms by land and sea, prepared by the Joint-Committee. [*C.O.* 5, 1185. *pp.* 70–74.]

June 2. **777.** Merchants and Planters trading to Virginia and Maryland to the Council of Trade and Plantations, on behalf of themselves and many thousands of the inhabitants, whose effects we have now ready to send for their cloathing, of which all our advices direct a speedy supply. Reply to the Memorial presented to H.R.H. (1) For more then thirty years experience, July has been thought a proper time for great quantities of goods to be exported to those Provinces in time of peace. (2) At this time it is absolutely necessary that it should be so, because that most of the families are destitute of necessaries to cloath themselves and servants, which lyes ready bought and packt, they having had two winters expence for one supply. As to the tobaccos not being ready till February, we know by experience that a great part of the crop is in cask in Oct.–Dec., and they are accounted very ill husbands that have not compleated by that time their crops. (3) As to the ships, a great many are now ready, and all can be by that time. (4) As for men, they can be found, and there will be no greater plenty later on, *etc.* *Pray that* the convoy may remain fixed for July according to the Order in Council. *Signed*, Micajah Perry *and nineteen other signatories. Endorsed*, Recd. Read June 2, 1703. 1 *large p.* [*C.O.* 5, 1313. *No.* 20; *and* 5, 1360. *pp.* 390–392.]

June 2. **778.** List of ships intended for Virginia and Maryland, but cannot possibly be ready before September. 24 ships of 16,700 hhds. burden, besides several others lately arrived from Virginia. [*C.O.* 5, 1313. *No.* 21.]

June 2. Boston. **779.** Minutes of Council of the Massachusetts Bay. Petition of Nicholas Roberts, of Boston, merchant, read, complaining of Jeremiah Dummer, one of the Justices of the Inferior Court for the County of Suffolk, for his private insinuation to Thomas Foster, one of the jurors in a cause then upon trial between Dame Eliza Shrimpton and Roberts. Mr. Foster and Mr. Dummer were heard.

1703.
June 3. Wages paid to Captain Cyprian Southack and crew, for service in H.M. hired sloop, the *Seaflower*, Feb. 1, 1702—April 13, 1703.

Samuel Checkley, Chyrurgion, paid 25*l*. for medicines and administration to soldiers of the garrison at H.M. Castle, sick of the small-pox and other distempers.

291*l*. 19*s*. paid for wages of the garrison of H.M. Fort Mary at Saco.

58*s*. paid to Henry Sharpe and John Chapman of Salem on account of expresses for H.M. especial service.

30*l*. paid to William West, gunner of H.M. Fort William at Winter Island in Salem for pay and subsistence, March 27, 1702—May 3, 1703.

9*l*. 16*s*. paid to Nathaniel Warren of Plymouth, for billeting soldiers detached for H.M. service.

11*l*. paid to Eliza Monck for a publick dinner on May 26, being the anniversary day of Election of Councellours.

72*l*. 15s. 5*d*. paid to Daniel Peirce, for a supply of corn and provisions for the Indian trade sent to the Eastward last winter. [*C.O.* 5, 789. *pp.* 510–512.]

June 3.
Admiralty Office.
780. Mr. Burchett to Mr. Popple. The Commissioners for Victualling are ordered to pay unto Mr. Thurston such money as may be necessary to purchase drink for the Company of Soldiers at Newfoundland, and the Capt. of the *Centurion*, who is now ordered to the Buoy of the Nore, is directed to receive that and the other money for their subsistence. *Signed*, J. Burchett. *Endorsed*, Recd. Read June 4, 1703. *Addressed*. ½ *p*. [*C.O.* 194, 2. *No.* 125; *and* 195, 3. *p*. 245.]

June 3.
Whitehall.
781. William Popple to Josiah Burchett. In further explanation of letter of May 28th about the money for the soldiers' subsistence at Newfoundland. [*C.O.* 195, 3. *pp.* 233, 234.]

June 3.
Whitehall.
782. Council of Trade and Plantations to Capt. Richards. We have received two letters from you, the first without date, the other dated November 23 last, and have considered the contents thereof. In answer to all that you write relating to the accounts of the Agent, Mr. Thurston, the cloathing, the provisions etc., formerly sent by him, you have here inclosed copies of the papers which he has laid before us upon that subject. We are very sensible of the ill state of the soldiers' cloathing when you writ, and do therefore much approve of your care in providing them watch-coats for the winter; you will by this conveyance receive a new supply of cloathing, provisions and money for their subsistence and other necessary services, together with money to buy molossoes (as you desired) instead of malt, and likewise so many swords, belts etc. and cartouch boxes as are necessary for the men in pay. We hope the soldiers may be relieved the next year. In the mean time, as the care you have hitherto taken to prevent desertion is very well, so we doubt not but you will continue it. We are sorry for what you

1703

write of the prejudice you have received in the use of your limbs by the cold, but hope it is removed. As to your desire of being permitted to come to England, though you might leave there an Assistant Engineer to finish the works, we do not conceive it consistent with H.M. service that you as Captain of the Company should be absent so long from them, especially considering that it is now a time of warr and danger, and that, as you write, the soldiers are too apt to mutiny or desert. You have here inclosed a letter from the Earl of Nottingham, containing some directions relating to the boom to be placed at the entrance of St. John's Harbour. Since the writing whereof we understand that, for the better execution of that worke, Mr. John Roope will be sent over on purpose by the Board of Ordnance. You are therefore to be assisting to him with your advice, and superintend the carrying on that service. It having been represented to H.M. by several merchants concerned in the Newfoundland Trade and Fishery, that Trinity Harbour in Trinity Bay, and Carbonier in Conception Bay (considerable fishing places) are lyable to be insulted by the French from Placentia, and therefore desired by the said merchants that fortifications may be built for the security thereof, directions have been given to the Commodore of this year's convoy that he repair with you to those places, and having viewed the same, report your opinion where the Forts desired may be erected, so as to be a security to the said Harbours from attacks by sea, and to the Settlements from attacks by land, and what the charge thereof may amount to. You are therefore to accompany him thither, and return to us your opinion therein, with a draught of those places. Major John Powell, late Commander of the Company at Newfoundland, having laid before the Lord High Treasurer an account of pay due to him, and of disbursments made by him for H.M. service in Newfoundland, upon which we have made several observations (the copies whereof are here enclosed) you are to assist the said Commodore in the examination of the papers relating to the provisions alledged to have been furnished by him to the soldiers and the other disbursements mentioned in his said account. *Signed*, Robt. Cecill, Ph. Meadows, William Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 195, 3. *pp.* 235–238.]

June 3. Whitehall. **783.** William Popple to Josiah Burchett. By order of the Council of Trade and Plantations I enclose the usual heads of enquiry, together with some additional Instructions and other annexed papers, humbly submitted by them to H.R.H. the Lord High Admiral, to be given in charge to the Commodore of the Newfoundland Squadron. The Commission for the said Commodore to command at land during his stay in those parts, is prepared by the Rt. Hon. the Earl of Nottingham. *Annexed.*

783. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland to be given to the Commander-in-Chief of the Newfoundland convoy. *Same as those abstracted in the two preceding volumes of this Calendar.*

1703.

Additional Instructions . Whereas several answers have been returned by Capt. Graydon and Capt. Leake, whereby it appears that the inhabitants in general have not a due regard to the several regulations for the more advantagious management of the Fishery; it being found that northward of St. John's as far as Carboniere and to the southward as far as Ferryland, the trees are rinded and the woods destroyed as much as before the late Act; that the Admirals of harbours and Masters of ships do not exactly observe the rules prescribed by Act of Parliament; that the vessells from New England supply the people of Newfoundland with provisions; that European commodities have been carryed directly from France, Spain and Portugal to Newfoundland in English ships, contrary to law, and sold or truck't with the Traders from New England for tobacco, sugar and other of the enumerated commodities, and carryed to foreign parts; so that at the latter end of the years the Masters have been wholly taken up in the management of that illegal trade, which might in some measure be prevented, had the Officers commanding H.M. ships power like that of a Custome House Officer to seize such goods; that the New England Traders seldome depart the country, till the men of war are first sailed, and then they carry with them numbers of handicraftsmen, seamen and fishermen whom they entice thither in expectation of great wages; that the Masters of ships are very negligent in bringing their men home, whereby they save the charge of their passage, and those men so left are enticed and carried to New England; You are therefore upon your arrival in those parts, to take care as far as in you lies that the best remedies be applyed for the prevention of those mischiefs, and to report your opinion thereupon, in order to further consideration, and to the preparing of such clauses to be proposed at the next Sessions of Parliament as may be requisite for the more effectual regulating that Trade. And whereas complaint has been made to the Rt. Reverend the Lord Bishop of London that the soldiers in Newfoundland have behaved themselves with great immorality and disrespect to their Minister, you are to endeavour the redress of that abuse. And whereas, in order to the better security of St. John's Harbour, H.M. has been pleased to give directions to Captain Richards, Chief Engineer and Commander of the Company of Newfoundland, for the preparing of a boom and fixing the same cross the entrance of the said harbour, which is to be done with all possible diligence, you are to inspect the carrying on of that work and to assist therein as far as the other service committed to your care will permit. It having been represented to H.M. by the Petitions and Memorials

1703.

of several merchants concerned in the Newfoundland Trade and Fishery that Trinity Bay being but three miles over land from Placentia, the chief Fort of the French from whence they have been frequently insulted, and it being desired by the said merchants that for the prevention of the like mischief for the future and the better security of the fishing of that Bay, a Fort be built there in some proper place furnished with 20 or 30 guns, and that 40 or 50 soldiers be also sent thither with Officers, arms, ammunition, and what else may be necessary for the said Fort, unto which the said merchants add that Carboniere, a considerable fishing place in Conception Bay being also in danger of insults from the French, it may be necessary that it be in like manner fortifyed, alledging that the same may be done at a small charge ; but it not sufficiently appearing by the said Petitions and Memorials in what places the said Forts may be erected so as to be a security to the said Harbours from attacks by sea, and to the Settlements from attacks by land ; you are to take with you the said Engineer from St. John's Harbour, and together with him to view those places and to report to one of H.M. principal Secretarys of State and to the Council of Trade and Plantations, how the same are fitted for such fortifications, and what may be the charge of erecting them. And whereas Major John Powell, late Commander of the Company at Newfoundland, has laid before the Lord High Treasurer an account of pay due to him, and of disbursements made by him for H.M. service in Newfoundland, upon which the Council of Trade and Plantations have made several observations (the copies whereof are hereunto annexed), you are, with the assistance of the present Captain or Commander in Chief of the Company, to examine the said paper relating to the provisions pretended to have been furnished by him to the soldiers, and the other disbursements mentioned in his said account. And you are likewise to enquire into the disposall and expence of the provisions sent thither the last year and those now sent, and into the method and regularity of the payment of the Officers and Soldiers, and of their behaviour, and as much as in you lies to redress what abuses you may find in those particulars and to return an account thereof to one of H.M. principal Secretarys of State, and to the Council of Trade and Plantations, together with your answer to the other foregoing heads of enquiries and instructions by the first opportunity. [*C.O.* 195, 3. *pp.* 238–244.]

June 3. **784.** Minutes of Council in Assembly of Jamaica. A Bill was brought in for appointing Commissioners to enquire into the execution of several Acts made for raising money on the inhabitants of Port Royal.

A message was sent up, desiring the concurrence of the Council to a Bill for preventing incursions of the enemys on the sea-coasts, and a Bill for dividing the parish of St. Elizabeth; and also to desire to know what is become of the Bills impowering Commissioners to enquire into the proceedings of the Justices of Port Royal *etc.*

The Clerk of the Council was thereupon sent to acquaint the House that that Bill is to-day brought into the Board with amendments.

June 4. The Bill appointing Commissioners was read with amendments. A free Conference held with a Committee of the Representatives.

June 5. Message sent up from the House that "they will be ready to meet the Council on all Conferences, but that it is contrary to the methods and proceedings of their House to join in a conference on any Bill sent up to your Board, until it be returned with amendments, if any." Reply sent down, that their Bill was regularly committed, but the Board did not agree with the Committee, they thinking the verry foot of the Bill must be altered, and therefore desired a Conference with them, to show them their reasons for it, which they thought the best and most amiable way, the Board being also desirous that the intent of of the Bill be pursued. The House replied: As for your Honour's regular way of proceedings att your owne Board we doe not doubt or insist on. But we cannot but adhere to our last message in maintaining our privileges and customs, which should we recede from, will be such a precedent as may be of dangerous consequence.

The Council replied: The Council are far from desiring to alter or invade your priviledges and customs, or to propose any precedent, which may be of dangerous consequence. And what they desired in their first message was no more then what passed between the Council and Assembly upon the Bill which raised this very money you are now inquiring after, when there was a free Conference upon the subject matter of the Bill without any amendments sent down, as by the Minutes of Assembly in August last may appear.

Message sent down that the Governor expects 400 men for recruits to the two Regiments now here to be landed on Munday, and desires the House to consider of some way for their reception.

Message sent up, that if there was such a Conference as is mentioned in your last Message, it ought not to be binding to this Assembly, for that it was certainly such a concession as should never have been admitted, especially in a Bill for raiseing of money, and that the shortnesse of the time that Session was confined to, and the emergency of affairs might occasion such an oversight as ought not to be allowed of for a future precedent, nor can the House agree thereto.

The Council replied that there had been many such Conferences, instancing for example three cases in 1698.

1703.

Message sent up from the House to the Governor, that they are of opinion that the recruits cannot be conveniently landed till there is an Act past appointing how they shall be quartered, and recommend their continuing on board till the Act now under consideration for providing for the officers and soldiers receive his Honour's assent, or till a short Bill be finished to enable the Justices and Vestries of each parish to quarter them for the present.

The House desired leave to adjourn till Tuesday. The Governor gave them leave. [*C.O.* 140, 6. *pp.* 479–484.]

June 4. **785.** Journal of Assembly of Jamaica. Bill for providing for the officers and soldiers read and recommitted.

Quorum to call over the list and fine absent Members lowered to 15, and the fine fixed at 1*s.* 3*d.*

Capt. Charles Long's excuse was admitted and he was discharged on paying his fees.

June 5. *See Minutes of Council in Assembly under date.*

Capt. Robt. Nedham and William Vassall not attending, were sent for by the Speaker's warrant.

Capt. Thomas Freeman and Capt. Thomas Hudson, alledging extraordinary occasions, were granted leave of absence.

Bill for the Highways was read a first time. [*C.O.* 140, 7. *pp.* 34, 35.]

June 4. Whitehall. **786.** William Popple to Sir E. Northey. An Act of the General Assembly at Nevis past in May or June, 1701, *for the better securing and confirming the Titles of Land in this Island*, having been repealed by his late Majesty, and the Assembly of that Island having again past another Act, Dec. 21 last, with some alterations under the same title (wherein you will be attended by Coll. Jory, Agent for the said Island), I send you the same here inclosed by their Lordships' order, for your opinion thereupon in point of law. [*C.O.* 153, 8. *pp.* 189, 190.]

June 4. Barbados. **787.** Governor Sir Bevill Granville to the Earl of Nottingham. *Repeats gist of preceding. Additions* :—General Codrington was taken some time before [May 7] very ill of sore eyes and fevour and left the army the first day of May. All the account I am yet able to give your Lordship of this place is that I find it very sickly, and the sickness very mortall, the fortifications bad and in very ill order, the malitia, which is its best strength by sickness and the difficulty of getting white servants from Europe lessen'd to a degree very unequall to what the defence of it requires. Capt. Sherrard, the engineer, dyed in ten days after his arrival. H.M. service in this Island very much wants a good officer of that kind *etc.* *Signed*, Bevill Granville. *Holograph.* 3 *pp.* [*C.O.* 28, 38. *No.* 13.]

June 4. **788.** Duplicate of preceding. [*C.O.* 28, 38. *No.* 14.]

June 4. **789.** Council of Trade and Plantations to the Queen. In obedience to your Majesties Order in Councill upon the Petition

1703.

of Mr. William Vaughan, praying that the Commission intended for constituting John Usher, Esq., to be your Majesties Lieutenant Governour of the Province of New Hampshire may be stopt, we have examined the matter of the said Petition, and heard the Petitioner as well as the said Usher by their Councill learned and do thereupon humbly report to your Majesty. Mr. Usher does not appear to us to have been guilty of the mismanagements and misdemeanours laid to his charge by the Petitioner during his being Lieutenant Governour there. But the disturbances which happened in that time did in great measure proceed from the disorderly practice of some of those men who now oppose his being restored by your Majesty to that Government. And whereas disorders seem to have arisen from the difference in point of interest between the present possessors of the lands, and Samuell Allen, the General Proprietor of that country, to whom the said Usher is nearly related, we are humbly of opinion that upon the said Usher's receiving your Majesties Commission of Lieutenant Governour, he may likewise have express directions not to intermeddle in any manner whatsoever with the appointing of Judges or Juries or otherwise in matters relating to the disputes between the said Allen and the inhabitants of that Province, but that your Majesty do impower and require Colonell Dudley, Governour in Cheif of this Province, to give all necessary directions in those matters, and to appoint the Judges and other Officers that shall be concerned in transacting this particular business; by which means all pretence of partiality in the execution of that Government relating to the said differences will be taken away. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 911. *pp.* 52–54.]

June 4. Whitehall. **790.** W. Popple to J. Burchett, *enclosing the following*, to be laid before H.R.H. *Annexed*,

790. i. Council of Trade and Plantations to H.R.H. Prince George of Denmark, Lord High Admiral. In pursuance of your Royal Highness' directions upon the Petition of several merchants of London trading to Virginia and Maryland, who desire that whereas the convoy for that trade was appointed for July, it may be deferr'd till September or October next, we humbly report, that having heard the allegations on both sides we find no reason to alter our former opinion, that the end of July or the beginning of August is the proper time for the departure of the convoy to Virginia and Maryland, since the said convoy thus sailing in all probability will arrive before winter, so that the inhabitants may be furnished with cloathing and other necessary commodities, which they will want for that season; whereas if the time for the departure of the convoy be fixed for October, it may happen that they may meet with contrary winds, and ill weather in their way, and arrive too late in the winter season for the disposal and

1703.

distribution of the commodities expected there. We are further confirmed in this oppinion by a letter lately received from Coll. Nicholson, Governour of Virginia, who besides the foresaid reasons, does alledge that in case the convoy does not arrive so as to supply the necessities of the inhabitants, they will be inclined to apply themselves to woollen or cotton manufactures, as they endeavoured to do the last war in like circumstances, which would be very prejudicial to the trade of England, and ought to be prevented by all possible means. We humbly add that there is a necessity of dispatching ye Governour appointed by H.M. for Maryland as soon as may be, who if he have not the opportunity of this convoy, will need at least one man of war for carrying him thither. And since the ships of war which last sailed for Virginia, are all ordered to come away with the trade, and that there is no other ship appointed for that station, we humbly conceive that one of the men of war now intended thither, may be necessary to remain there as a winter guard, whatever service the other may be ordered upon, untill the return of the fleet; and upon the whole matter wee are humbly of opinion that your Royal Highness' former directions for this convoy's sailing in July, which has been already intimated to the inhabitants of Virginia, may be confirmed. *Signed*, Ph. Meadowes, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 1360. *pp.* 393–396.]

June 4. **791.** Mr. Dummer to the Council of Trade and Plantations. Enclosing following extracts. Considering the distance run and the accidents of all kinds attending a navigation of this nature, their dispatches have been wonderful uniforme and within the time I designed them. *Signed*, E. Dummer. *Addressed.* 1 *p.* *Enclosing*,

791. i. June 3, 1703. An extract of the respective Journals of the *Bridgeman*, *Mansbridge* and *King William* sloops, shewing the dispatches of each of their first voyages from England to the West Indies, their times of stay at each Island and their times being at sea or sailing from one place to the other till they returned to England again, viz.:—

Bridgman.

Dayes stayed in Port.									Days at Sea.
	Sailed from	ye Needles,	21 Oct., 1702,	came	to	Barbadoes,	18 Nov. foll.	..	28
3	Do.	Barbadoes,	21 Nov.,	,,	,,	Antegoa,	24 do.	..	3
1	Do.	Antegoa,	25 do.	,,	,,	Mountserrat,	26 do.	..	1
1	Do.	Mountserat,	27 do.	,,	,,	Nevis,	28 do.	..	1
1	Do.	Nevis,	29 do.	,,	,,	St. Xtophers,	29 do.	..	½
2	Do.	St. Xtophers,	1 Xber.,	,,	,,	Jamaica,	6 Dec.	..	6
9	Do.	Jamaica,	15 do.,	,,	,,	Falmouth,	2 Feb.	..	49
17									88½

1703.

Mansbridge.

Dayes stayed in Port.							Days at Sea.
	Sailed from	Plymouth,	8 Xber.,	came to	Barbadoes,	11 Jan. foll. ..	35
2	Do.	Barbadoes,	13 Jany.,	,, ,,	Antegoa,	15 do. ..	2
1	Do.	Antegoa,	16 do.,	,, ,,	Mountserat,	17 do. ..	1
1	Do.	Mountserat,	18 do.,	,, ,,	Nevis,	19 do. ..	1
1	Do.	Nevis,	20 do.	,, ,,	St. Xtophers,	20 do. ..	½
1	Do.	St. Xtophers,	21 do.,	,, ,,	Jamaica,	29 do. ..	8
6	Do.	Jamaica,	4 Feb.,	,, ,,	Plymouth,	10 March ..	34
12							81½

King William Sloop.

Dayes stayed in Port.							Days at Sea.
	Sailed from	Falmouth	30 Jan.,	came to	Barbadoes,	10 March foll...	39
2	Do.	Barbadoes,	12 March,	,, ,,	Antegoa,	15 do. ..	3
1	Do.	Antegoa,	16 do.,	,, ,,	Mountserat,	17 do. ..	1
1	Do.	Monserat,	18 do.,	,, ,,	Nevis,	18 do. ..	½
1	Do.	Nevis,	19 do.,	,, ,,	St. Xtophers,	19 do. ..	½
1	Do.	St.Xtophers,	20 do.,	,, ,,	Jamaica,	26 do. ..	6
6	Do.	Jamaica,	2 April,	,, ,,	Falmouth,	16 May, 1703..	44
12							94

The fourth sloop being taken off Dungeness in Febry. last, a month was lost or intermitted in the currency of this intended navigation, which being supply'd by another of the like vessells to carry the last month's mail, 'tis hoped will demonstrate effectually what was first propounded, namely a monthly intelligence out and home with all the West India Islands by four vessells each of them being to make three voyages *p. annum*, so that the facts above mentioned do sufficiently exemplifie the order and possibility of accomplishing a constant monthly correspondence with all the said islands which was propounded to be done by, *Signed*, E. Dummer. 1 *p.* [*C.O.* 318, 3. *Nos.* 16, 16.i.; *and* 323, 5. *No.* 16; *and* 324, 8. *p.* 252.]

June 4.
Barbados.

792. Governor Sir Bevill Granville to Mr. Warre. *Returns thanks for letters received.* Notwithstanding I left London in January, it was the middle of March before we got clear of Plymouth, and May 10th before I reached this place; at my coming I met the news of General Codrington's being landed with the Regiments sent from Cadiz and some other of H.M. forces in these parts on Guardaloup, March 12, which they deserted again May 7, and sayled for Nevis without reaping any other advantage then burning a few houses and carrying away some negros. The miscarriage is attributed to the time given the French to prepare themselves, the troops having bin here since the beginning of December last, and to the misunderstanding between the sea and land officers, a thing which has bin fatall to all our expeditions in these parts, and will ever be so without one is obliged to obey the other. I recommend myself to the continuance of your kindnesse and favour etc. *Signed*, Bevill Granville. *P.S.*—By a letter from my Lord Nottingham, Feb. 12, I am directed to suffer no commerce

1703.

with the Spaniards or French. I should be glad to know if the word (commerce) extends to the making of no cartel with them nor any agreement about the exchange of prisoners. *Endorsed*, R. July 23. 2½ *pp.* *Holograph.* [*C.O.* 28, 38. *No.* 12.]

June 4. Whitehall. **793.** Council of Trade and Plantations to the Queen. In obedience to yr. Majesty's Order in Councill upon the Petition of Mr. William Vaughan, praying that the Commission intended for constituting John Usher, Esq., to be yr. M's. Lieut. Governour of the Province of New Hampshire may be stopt, We have examined the matter of the said Petition and heard the petitioner as well as the said Usher by their Councill learned, and do thereupon humbly report to yr. Majesty that Mr. Usher does not appear to us to have been guilty of the mismanagements and misdemeanours laid to his charge by the petitioner, during his being Lieut. Governour there. But that the disturbances which happened in that time did in great measure proceed from the disorderly practice of some of those men, who now oppose his being restored by your Majesty to that Government. And whereas disorders seem to have arisen from the difference in point of interest between the present possessors of the lands, and Samuell Allen, Esq., the general proprietor of that country, to whom the said Usher is nearly related, we are humbly of opinion that upon the said Usher's receiving yr. Majesties Commission of Lieut. Governour he may likewise have express directions not to intermeddle in any manner whatsoever with the appointing of Judges or Juries or otherwise, in matters relating to the disputes between the said Allen, and the inhabitants of that Province, but that yr. M. do impower and require Collonel Dudley Governour in Cheif of this Province, to give all necessary directions in those matters, and to appoint the Judges and other officers that shall be concerned in transacting this particular business; by which means all pretence of partiality in the execution of that Government relating to the said differences will be taken away. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 911. *pp.* 52–54.]

June 4. Whitehall. **794.** Journal of Council of Trade and Plantations. The clothier employed by Mr. Champante in providing the last cloathing sent by him to New York, did produce specimens of some part of the said clothing to be compared with those returned by the Lord Cornbury, brought hither by Mr. Thrale. But the clothier did not produce any specimen of the surtouts, wch. their Lordships thought most defective, nor any account of the cost; whereupon he was ordered to direct Mr. Champante to bring the said account on Tuesday.

Mr. Roop acquainted their Lordships, that the Board of Ordnance having agreed to employ him in fixing the Boom in St. John's Harbour, he was about to repair thither, whereupon he was desired to make the best observations he could, when there, relating to the Trade and Fishery, and to communicate them to this Board at his return, which he accordingly promised.

Mr. Cobb laid before the Board an Order of Council [May 27 *q.v.*]. Directions thereupon given to the Secretary to lay before their Lordships at their next meeting a state of the proceedings that have been made by this Board and of the answer received from the Plantations relating to the authority by which the Admiralty Courts are there constituted.

Representation relating to Mr. Usher's Commission signed.

Letter from Burchet, relating to money to be sent to Newfoundland, read.

Report to H.R.H., relating to the convoys for Virginia and Maryland, signed and sent.

Extract received from Mr. Dummer read.

Act of Nevis, Dec. 21, 1702, *for the better securing and confirming the titles of land*, ordered to be sent to Mr. Attorney General. [*C.O.* 391, 16. *pp.* 149–152; *and* 391, 97. *pp.* 427–428.]

June 4. Whitehall. **795.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of James Baily, Capt. Samuel Ruggles and sundry others, inhabitants of Roxbury, Dorchester and Boston, praying a grant of a tract of vacant land in the wilderness lying betwixt the towns of Oxford, Woodstock and Quaboag, for the rayseing of a Plantation, read. Resolved, that they be granted five miles square of land, to join one or more of the towns above named, not intrenching upon former grants, provided they settle 30 families there within 4 years, and procure and settle a learned Orthodox Minister in the said Plantation, and to be under the regulation of a Committee to be appointed by this Court, until they be capable of having proper town officers, as the Law directs. This resolve was sent down to the Representatives for their concurrence, together with an order referring the petition of Major John March to be heard at the next Court of General Sessions within the County of Essex.

June 5. Message sent down to the Representatives to move them to bring forward the tax Bill, the impost, excise *etc.* and the necessary Bills before them, for that H.E. must set forward on his voyage eastward upon the 9th.

Order passed restraining any person from making any contract, lease of land or purchase of timber of any Indian, without licence first had for the same from the General Assembly, and declaring all contracts and leases heretofore made contrary thereto null and void, to extend only to the territories formerly called the Colony of the Massachusetts Bay and New Plymouth. This resolve was sent down for concurrence of the Representatives. The House replied that they were of opinion that effectual provision is by Law already made in that matter, and shewed forth the Law. [*C.O.* 5, 789. *pp.* 829, 830.]

June 4. **796.** Journal of House of Representatives of New York. Petition of Richard Greener being under consideration, ordered that he attend to-morrow.

June 5. Ordered that H.E. be addressed for his warrant for paying the Clerk of the Commissioners of Accounts his salary.

20*l.* voted to Richard Greener in consideration of his wounds and sufferings in the late disorders. [*C.O.* 5, 1185. *pp.* 74–76.]

June 5. St. Jago de la Vega. **797.** Minutes of Council of Jamaica. Salary of the Lt. Governor paid. [*C.O.* 140, 6. *p.* 141.]

June 5. Boston. **798.** Minutes of Council of the Massachusetts Bay. 8*l.* 10*s.* 8*d.* paid to Penn Townsend for entertainment of H.E., the Council and Assembly at H.M. Castle on Castle Island, when they went to view the fortifications, and money given to the garrison and workmen.

3*l.* paid to Mahuman Hinsdall for bringing a French prisoner from Deerfield to Boston in the summer of 1702.

6*l.* 7*s.* 7*d.* paid to Col. John Thacher for subsisting of soldiers detached for H.M. service March last, and 5*l.* 11*s.* 8*d.* for subsisting and guarding several French prisoners taken at Cape Coll last winter.

49*s.* 6*d.* paid to Daniel Peirce on account of expresses.

20*l.* paid to H.E. to be employed for secret services.

A General Council being summoned this day for nominating and appointing Civil Officers, H.E. nominated Major Francis Wainwright to be a Justice of the Peace within the county of Essex. The Council consented. H.E. acquainted the Council that Isaac Addington, Chief Justice of the Superior Court, had addressed him several times with great earnestness to be dismist from that office, being much impaired in his health. H.E. nominated Nathaniel Thomas for a justice of the said Superior Court, and intimated that he should ask their advice and consent as to one of the five for Chief Justice. Some of the Council insinuated that a person be first named for Chief Justice, and desired to advise, the summons not intimating what civil officers were to be appointed. [*C.O.* 5, 789. *pp.* 512–514.]

June 7. **799.** Mr. Thurston to Mr. Popple. Enclosing application from Lt. Moody for a recommendation from the Board of Trade to the Admiralty for a passage on board the *Centurion* to Newfoundland. *Signed*, J. Thurston. *Endorsed*, Recd. Read June 9, 1703. 1 *p.* *Enclosed*,

799. i. Lt. Moody to the Council of Trade and Plantations. *As above.* *Signed*, Jo. Moody. [*C.O.* 194, 2. *No.* 126; *and* 195, 3. *pp.* 245, 246.]

June 7. Boston. **800.** Minutes of Council of the Massachusetts Bay. H.E. nominated Abraham Preble, jr., of Yorke, to be a Coroner within that county, and the Council consented.

The report of the Committee appointed to examine the books, files and records of the late Colony of New Plymouth, was read. Advised that, for the ease of the subject, and upon the earnest application of the inhabitants there, the Records concerning that part of the Province be lodged in the hand of some fit person there, to be deputed by the Secretary, if it may be, with allowance of H.E. to give out and attest copies.

1703.
June 8. H.E. again mentioned his nomination of a Justice for the Superior Court; the Council insinuated that there should be first a vacancy declared.

H.E. read and signed a Commission to Andrew Belcher for Commissary General. 500*l.* advanced to him for purchasing provisions and stores for the supply of H.M. Forts, etc. [*C.O.* 5, 789. *pp.* 514, 515.]

June 7. **801.** Minutes of Council in Assembly of the Massachusetts Bay. Accounts of the Treasurer, Mr. James Taylor, for the year ending May 26, 1703, amounting to 18,067*l.* 11*s.* 9*d.*, were passed.

Mr. Taylor's account of the Trade with the Eastern Indians, Oct. 12, 1699—May 26, 1703, amounting to 4,304*l.* 2*s.* 8*d.* was approved.

June 8. Message from the Representatives sent up, that their votes are ready for the choice of a Treasurer. H.E. intimated that at two former sessions, and also at several times this session, he had moved to have a Surveyor General chosen, being a necessary officer, and he expected to receive their votes for such an officer at the same time with the votes for Treasurer. The Representatives replied that they did not think it necessary to appoint such an officer. H.E. declared he expected their answer in writing. They replied they had received nothing from the Board in writing about that matter; it was resolved, that a Surveyor General be immediately chosen by the whole Court, who shall be commissioned by H.E. to survey all public grants of lands from time to time hereafter to be made, and to make report thereupon. As also by direction of H.M. Courts to survey controverted lands etc. The Representatives returned this resolution with a non-concurrance.

Nathaniel Payne was sworn a Member of Council.

Message sent up from the Representatives, earnestly requesting H. E. to give effectual order that all the platforms at the Castle be laid and guns mounted on serviceable carriages without delay according to the resolve of this Court at their last Session, and then the remainder of the 500*l.* last granted for fortifying the Castle, improve in finishing the works that are already began, and particularly in building of convenient lodgings for the soldiers, which we desire may be so contrived as not to injure their health, as we fear the arched vaults projected by the Engineer for that end will do. And that H.E. will make inquiry, whether the powder-houses be not so damp as to render the powder unserviceable, and whether the slighting of the upper line of guns, looking S.E., will not disadvantage the defence of the Castle. The Council agreed, and H.E. wrote to Col. Rome accordingly.

Mr. James Taylor was anew chosen Treasurer.

50*s.* paid to John White, Clerk of the House, to purchase a blank book and paper for the use of the House.

Resolve of the Council, June 2 (*q.v.*), relating to the Act for giving assistance to neighbouring provinces, was returned with an amendment, continuing it till the second Tuesday in July next.

1703.

Resolve of the Council, May 29, relating to soldiers' pay, returned with an amendment, that a proportionable abatement be made upon the wages of all officers posted in garrison.

Order sent up from the Representatives continuing the Acts for granting impost and excise, until the second Tuesday in July. The Council agreed.

H.E. summoned the Representatives to attend, and, acquainting them that he intended to set forward on his journey to the Eastward in the morning, adjourned the Court till June 30. [*C.O.* 5, 789. *pp.* 830–834.]

June 8. Whitehall. **802.** Earl of Nottingham to the Council of Trade and Plantations. I have acquainted the Queen at the Committee of Councill with your letter of May 21 concerning Mr. Penn, whereupon H.M. has commanded me to acquaint you, that shee is willing to treate with him for his Proprietary Government, and would therefore have you heare his proposalls, upon what termes he will surrender the same, and report the same to H.M. for her further directions therein. *Signed*, Nottingham. *Endorsed*, Recd. Read June 10, 1703. 1 *p.* [*C.O.* 5, 1290. *p.* 337; *and* 5, 1262. *No.* 30.]

June 8. Whitehall. **803.** Journal of Council of Trade and Plantations. The answers received from the several Plantations relating to the authority by which the Admiralty Courts there are constituted, were laid before the Board and read.

Order of Council, May 8, upon the Acts of Mountserrat, read.

Order of Council, May 8, upon the Acts of Antegoa, read.

Order of Council, May 17, upon the Acts of the Leeward Islands, read.

Order of Council, May 17, upon the Acts of Jamaica, read.

Further progress made in considering the Acts of the Bermuda Islands.

June 9. Letter from Col. Quary, Feb. 28, with enclosures, read.

Upon Mr. Thurston's application on behalf of John Moody, Lieut. of the Company at Newfoundland, that he may have his passage in the *Centurion* frigate now bound thither, letter to Mr. Burchet ordered.

Further progress made in considering the Acts of the Bermuda Islands.

June 10. Letter from the Earl of Nottingham, read. Thereupon ordered that Mr. Penn have notice to lay his proposals before this Board in writing on Tuesday next.

Further progress made in considering the Acts of the Bermuda Islands. [*C.O.* 391, 16. *pp.* 152–155; *and* 391, 97. *pp.* 431–439.]

June 8. **804.** Minutes of Council [*in Assembly*] of Barbados. Capt. Henry Harding was sworn a Member of Assembly in the room of Miles Toppin, for St. George's parish. Some Councillors, who had been absent at the last meeting, took the oath for hearing grievances.

1703.

Report on the condition of the Magazine read. It appearing that the same was much out of repair, ordered that the report be delivered to the Assembly, that some immediate care be taken therein.

Ordered that care be taken that there be a sufficient guard kept at the Magazine.

H.E. read two letters from the Earl of Nottingham, one, Oct. 20, 1702, directing that H.M. ships of war have credit for stores and provisions as they may want from time to time; the other, Feb. 25, 170⅔, to prohibit all trade with the French and Spaniards.

H.E. taking into his consideration the great delays that happen in this Island by the multiplicity of lawyers that plead at the several Courts in most or every action, contrary to a wholesome law of this Island, Oct. 1670, for prevention whereof H.E. by and with the advice of the Council, has thought fitt to order that a copy of the said Act be fairly wrote out and sent to the Judge of each Court respectively within this Island, who is to cause the same to be affixed in some proper place in his Court for the publick view of any persons that shall come there, and that every Judge take care that the said law be duly and strictly observed in every particular in the said Court, and also that noe person be admitted to practice the Law in any the Courts in this Island until they have taken the oath appointed by the said Act.

Petition of Thomas Reynolds referred to the Assembly.

Bills for 500*l*. for the Governor's house; for the encouragement of white servants; concerning the General Sessions; for exchange of Trowell's land in Christchurch, were sent up, together with the petition of William Heysham. [*See following abstract.*]

The Assembly informed H.E. that they had resolved that the Commissioners of Fortifications doe speedily take care that all necessary reparations to the magazine be forthwith had and done.

H.E. acquainted them that he had recd. an Order from H.M. to repaile the Act *for the better security of H.M. subjects, etc.*, and also instructions to be offerred instead thereof, a copy of which he delivered them.

Bill for presenting the Governor with 500*l*. read three times and consented to.

Bill for the encouragement of white servants read the first time.

Supplementary Bill concerning the General Sessions read the first time.

Ordered that the Letters and receipt of General Codrington relating to the powder and ball lent him by this Island be entred in the Council books, and then sent to the Assembly at their request to enter into their books.

June 9. Petition of a free negro woman, complaining that Dudley Woodbridge, merchant, had of late threatened to seize the petitioner and keep her as a slave, read. Ordered that she be heard by her counsel at the next meeting of this Board, and meantime be not disturbed.

1703.

Petition of Capt. Pead and Capt. Halsy against Capt. Gilligan was dismissed.

75*l*. 12*s*. 9*d*. paid to William Heysham.

Petition of Capt. John Halsey, that Charles Thomas and others pretend to a right to receive tenths of all prizes condemned in this Island, and therefore claim the same from him for prizes brought in by his privateer commissioned by the Governor of New England, dismissed. [*C.O.* 31, 8. *pp*. 41–48.]

June 8. **805.** Journal of Assembly of Barbados. The House met at the Plantations where his late Excellency the Lord Grey dwelt. A supplemental Act to the Act about the Grand Sessions was brought in, read and passed.

Bill for 500*l*. for the Governor's House and Rent passed.

Magazine ordered to be repaired.

Bill for exchange of Trowell's Land passed.

75*l*. 12*s*. 8*d*. paid to William Heysham for lead sold to the public.

Act about the watches passed.

It was moved that some inconveniences have happened by persons being judges in the precincts where they live.

The Chartell that hath been settled with Martinico for the exchange of prisoners being broke, and several Englishmen transported to France, Resolved that H.E. be moved that the French prisoners now here may be dispersed into small numbers and transported to Europe, or otherwise that they may be sent to the several forts, for it is an inconveniency to the present guards, who are forced to repair from the remote parts of the country and keep guard in St. Michael's Town, which place is very sickly and will endanger the lives of the men who are on that duty.

Pay of the crew of the *Larke* voted.

Mr. Melatia [*sic*] Holder and Wm. Heysham were chosen to act as Agents for the country in England.

H.E. communicated to the House H.M. Instructions with regard to the Habeas Corpus Act. [*C.O.* 31, 7. *pp*. 64–71.]

June 8. **806.** Journal of Assembly of Jamaica. Leave of absence granted to Capt. John Clarke.

June 9. William Vassall and Capt. Robt. Nedham, attending in custody of the Messenger, their excuses were accepted, and they took their seats in the House.

Upon debate of the Messenger's not sending or executing the warrant upon Mr. Vassall as he ought to have done, it was resolved that he be reprimanded by the Speaker for contempt, and beg pardon of the House on his knees, which was done accordingly.

Capt. Thomas Sutton complained of the breach of privilidges by Mr. John Sutton entring on his Plantation and threatning to burn it and carrying of his negroes, whilst he was attending the service of the country in this house. Referred to the Committee of Elections and Priviledges.

1703.
June 10. *See Minutes of Council in Assembly, June* 9.

John Sutton (*above*) was acquitted.

Bill for quartering H.M. Officers and Soldiers read the first time. [*C.O.* 140, 7. *p.* 36.]

June 8. **807.** Journal of House of Representatives of New York. Bill to ascertain the assize of casks, weights, measures and bricks read the first time.

Bill for quieting many of the inhabitants in the possession of their inheritance was read, with amendments.

June 9. Above Bill read a third time and rejected.

Bill to ascertain the assize etc. read a second time and committed, and read with amendments.

June 10. Above Bill read the third time, passed and sent up.

Message sent down from H.E. and Council that they had recd. information, several of the taxes formerly raised in this province are not collected and paid according to the directions of the several Acts, by means whereof several persons who have done services and advanced money to this Government on account of the said taxes, are still unsatisfied. They desire this House to prepare a Bill of Review of all the said former taxes unpaid.

Ordered that this Message be considered, and that the Council be requested for details in this matter.

Bill explaining the Act to enable the Towns to repair and build their meeting-houses *etc.*, sent down amended by the Council, was committed.

Joint-Conference at the Widow Schuyler's appointed on the Bill for taking off the duties paid on goods carried up Hudson's River and settling an equivalent for the same.

Message from the Council that the reason of their above message proceeded from complaints received from persons who had paid the said taxes and were mightily discouraged by seeing their neighbours escape. They were still of opinion that such a Bill will be of absolute necessity, and by their former message had no regard how the moneys that might arise by such a Bill of Review should be applied, thinking that the most proper time to do that would be when they saw what effect such a Bill would have.

Bill for raising 1,500*l.* towards building batteries, sent down with amendments. Joint-Conference proposed thereon. [*C.O.* 5 1185. *pp.* 76–80.]

June 9.
Whitehall. **808.** William Popple to Josiah Burchett. Recommending Lt. Moody's application for a passage to Newfoundland. [*See* June 7.] [*C.O.* 195, 3. *p.* 247.]

June 9.
St. Jago de la Vega. **809.** Minutes of Council of Jamaica. 73*l.* 16*s.* paid to John Mosely, purser of H.M.S. *Windsor*, for 1,476 days' diet of French and Spanish prisoners. [*C.O.* 140, 6. *p.* 141.]

June 9. **810.** Minutes of Council in Assembly of Jamaica. Ordered that the Clerk of the Council acquaint the House that the

1703.

Governor had prevailed with the Admiral to keep the four hundred recruits on board till Friday next, at which time they will be certainly landed, therefore desires the House that due care be taken for their reception against that time.

June 10. Hugh Totterdale was sworn a Member of Assembly for the parish of St. George's, in the room of Thomas Rose.

Message sent up that the House are resolved to expedite the Bill for quartering soldiers, and praying H.E. to use his interest with the Admiral to continue the recruits on board till that time. [*C.O.* 140, 6. *pp.* 484–486.]

June 10. Whitehall. **811.** William Popple to William Penn. The Council of Trade and Plantations having received H.M. directions [*June* 8] to hear your proposals upon what terms you will surrender the Government of Pennsylvania, desire you to lay your proposalls upon that matter before them in writing on Tuesday next at ten of the clock in the morning. [*C.O.* 5, 1290. *p.* 338.]

June 10. Hampton Court. **812.** Order of Queen in Council. Approving the Representation of June 4, and the draft of the Commission prepared for John Usher as L.G. of New Hampshire, and directing the Earl of Nottingham to prepare the same for H.M. signature, and the Council of Trade and Plantations to prepare drafts of Instructions to Col. Dudley and John Usher accordingly. *Signed*, John Povey. *Endorsed*, Recd. 12th, Read 15 June, 1703. 2½ *pp.* [*C.O.* 5, 863. *No.* 38 ; *and* 5, 911. *pp.* 61–64.]

June 10. Hampton Court. **813.** Order of Queen in Council. Referring the Report of the Office of Ordnance, May 22, with estimate of Stores of War demanded for the Massachusetts Bay and New Hampshire, amounting to 3,213*l.* 15*s.* 7*d.*, to the Earl of Nottingham (*as No.* 647]. *Signed*, John Povey. *Endorsed*, Recd. July 2, Read ditto 6th, 1703. *Enclosed*,

813. i. Copy of Report and Estimate of the Board of Ordnance referred to in preceding. *Cf. Nos.* 622, 647.i. 3 *pp.* [*C.O.* 5, 863. *Nos.* 39, 39.i. ; *and* 5, 911. *pp.* 70–74.]

June 11. Whitehall. **814.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet, June 9, returning the Journal of the proceedings of the Governor and Council of Virginia relating to Capt. Moody, laid before the Board.

Further progress made with the Acts of Bermuda. And whereas that for an Imposition on liquors, *etc.*, July 3, 1701, does relate to some disputes concerning a former Act for the like purpose, ordered that the state of that matter be laid before the Board at their next meeting. [*C.O.* 391, 16. *p.* 156 ; *and* 391, 97. *p.* 443.]

June 11. **815.** Journal of Assembly of Jamaica. Resolved, by the Speaker's casting voice, that the Act for quartering the officers and soldiers continue till Jan. 1st. It was read and recommitted.

200*l.* voted for fresh provisions for the soldiers and seamen on board the fleet.

1703.
June 12. The above Bill was read a second time.

Thomas Brayne, not attending, was sent for in custody.

Message sent to H.E. that the House intended to adjourn till Monday, when they would have business for the Council. The Governor recommended all expedition imaginable with the Bill for the soldiers. The House informed H.E. that they would adjourn till to-morrow, it being impossible to get that Bill engrossed to-night.

June 13. Above Bill read a third time, and sent up.

John Ellis, jr., not attending the service of the House, was sent for in custody. His excuses were accepted and he was discharged on paying his fees.

And see Minutes of Council in Assembly under date. [*C.O.* 140, 7. *pp.* 37, 38.]

June 11. **816.** Journal of House of Representatives of New York. The House met and adjourned.

June 12. A Joint-Conference was held on the subject matter of the amendments to the 1,500*l.* Bill. [*C.O.* 5, 1185. *pp.* 80, 81.]

June 12. **817.** Minutes of Council of Jamaica. The Clerk of the Council produced H.M. letters pattents constituting John Baber Secretary of this Island, and his deputation to him, and also H.M. letter licensing Mr. Baber to hold his office by deputy, all which the Board allowed of, the said Deputy having before given security as by Law required.

Upon due consideration of the shortness of the time of the Admiral's stay and the present state of the Island, a letter was sent to him :—" We being given to understand that you with your fleet design to leave us in a little time, and having duly considered the weak condition of this Island, which we think morally certain to be attacked by our enemies surrounding us, in case a sufficient force of ships of war be not left for our guard, take leave to represent to you that in case such a misfortune shall befall us, we cannot think ourselves safe unless at least ten of H.M. ships of war be left." [*C.O.* 140, 6. *pp.* 141–144.]

June 12. **818.** Minutes of Council in Assembly of Jamaica. The Governor proposed to the Board that, in regard the Assembly was adjourned till to-morrow morning, and had not yet brought up the Bill for quartering the soldiers, what course should be be taken to subsist the recruits till the Bill be brought in and past, they being to be landed to-morrow morning ? The Board was unanimously of opinion that they should remain on Port Royal for two or three days, and Col. Clarke being going to Kingston was desired to take up on the publick account 1,000 weight of cheese and 2,000 weight of bread and canvas with water.

June 13. Bill sent up, for raising money for providing an addition to the subsistence of H.M. officers and soldiers *etc.*, was read.

The Council proposed a joint-conference on the Bill. The House replied, finding the proposal "impracticable and contrary to the liberties and privileges of the House" (*cf.* June 5, *etc.*). Whereupon, the recruits being landed and the occasion urgent, the Act was committed.

June 14. The Bill with amendments increasing the allowance proposed, passed and sent down. The House returned it with a message that they adhered to their Bill. It was decided to defer consideration of the Bill till to-morrow, and that meantime expresses be sent to summon absent Members of the Council. [*C.O.* 140, 6. *pp.* 486–489.]

June 14. Admiralty Office. **819.** J. Burchett to Mr. Popple. Informing him of the movements of the *Centurion*, in order to the money for the soldiers' beer at Newfoundland being sent on board (June 3). *Signed,* J. Burchett. *Endorsed,* Recd. Read June 15, 1703. *Addressed. Sealed.* 1 *p.* [*C.O.* 194, 2. *No.* 127; *and* 195, 3. *pp.* 247, 248.]

June 14. St. Jago de la Vega. **820.** Minutes of Council of Jamaica. H.M. Letters Pattent constituting Robert Hotchkin Attorney General was read, and he sworne in Council. [*C.O.* 140, 6. *p.* 144.]

June 14. **821.** Journal of Assembly of Jamaica. Bill to enable Justices *etc.* of St. George's, read a third time.

The Receiver General's accounts were recommitted.

Commissioners' Accounts ordered to lye upon the table.

Bill, to impower Justices of the Peace to decide differences not exceeding 40*s.*, was read the first time.

And see Minutes of Council in Assembly under date.

June 15. The House met and adjourned.

June 16. *See Minutes of Council in Assembly, June* 16 *and* 17.

10*l.* ordered to be disbursed for the refreshment of the recruits.

The House attending, H.E. said he hoped he had behaved himself like an honest man, but since he was misunderstood, the Gentleman who the House had recommended to be Provost Marshall should have the place.

June 17. *See Minutes of Council in Assembly under date.* [*C.O.* 140, 7. *pp.* 38–42.]

June 14. **822.** Journal of House of Representatives of New York. The Committee reported that the Conference upon the 1,500*l.* Bill had arrived at no conclusion.

June 15. The Council's amendments to above Bill were considered. Resolved, that the House address H.E. upon the subject matter of some of those amendments and other inconveniencies this Province labours under.

Capt. Schuyler was granted leave of absence.

June 16. Bill to ascertain the Assize was sent down with amendments to some of which, and to some of the amendments of the 1,500*l.* Bill, the House agreed. They were sent up with a message to this effect and the following Address to H.E. "The House taking notice of the profuse and unreasonable misapplication of the Revenue and other moneys granted by the people heretofore,

1703.

and the Report made by the Commissioners of Accounts, was induced to desire and insist that some proper and sufficient person might be commissionated as Treasurer for the receiving and paying of such moneys now intended to be raised for the public use, as a means to obstruct the like misapplication for the future. They also pray leave to acquaint your Excellency that the fees exacted by many of the officers within this Colony, in particular those of the Custome House, are unnecessary, unwarrantable, exorbitant, burthensome to the People, and a great obstruction to our trade. They were in hopes to have received some ease and satisfaction by your Excellency's passing some Bills into Laws for their relief in these matters, but to their unspeakable greif are informed that your Excellency's granting them redress in that manner is contrary to your Excellency's Instructions from the Crown. And therefore they are most humble suiters to your Excellency that you will please so to represent these things to her most sacred Majesty, that your Excellency may receive H.M. Instructions to commissionate some proper person a principal Freeholder and Inhabitant here to be Treasurer of this Colony for the receiving and paying the moneys from time to time hereafter to be raised for the support and other exigencies of the Government, and that, whoever hereafter shall be appointed and commissionated Treasurer or Receiver General of this Colony may give in good surety here by able and sufficient freeholders, inhabitants in this Colony, for the due execution of their offices, *etc.*; as also that your Excellency may receive Instructions from H.M. to condescend to the humble desires of H.M. subjects in General Assembly for the alleviating those burthens the People of this Colony labour under by the unnecessary, unwarrantable and exorbitant fees and exactions extorted by any officer whatsoever *etc.*"

Joint-Address of the Two Houses to H.M. agreed upon: We most humbly begg leave to acquaint your most sacred Majesty that the great hardships and difficultys this poore province hath laboured under dureing the late warr, hath rendred it utterly impossible for us to support and defray so great a charge as must necessarily arise for the building, erecting and repairing such Fortifications onely as will be absolutely necessary for the safety and defence, not of this Province alone, but of all other your Majesty's Territories in North America, especially when it comes to be considered that thro' the great neglect, ill management and misapplication of the Revenue by those who lately exercised the power of government in this Province, the Fortifications on the Frontiers are totally decayed and ruined, and your Majesties Revenue here burthened with a very considerable debt; that your trade and people, as well as your Majesties Revenue ariseing by Customes are also very much diminished by the Charter and Proprietary Governments contiguous to this, from whom the Crown hath no Revenue, nor is their Trade loaded with any impositions, yet deserters from your Majesties service, as well from your Majesties standing forces, and militia detachments as from your Majesties ships of war, which guard this Province, are dayly

1703.

entertained and harboured there. Wherefore we most humbly beseech your Majesty that you will be graciously pleased out of your Majesties Revenue at home in your Majesties own due time to succor this your Majesties distressed Province here, by giving such necessary orders and directions as may make us happy in the payment of those moneys his late Majesty was pleased to appoint should be paid out of the Treasury in England, for the carrying on and maintaining the Fortifications aforesaid, and since we are very sensible what little dependance there is to be had of the Quotas of the several adjacent Colonies, they having hitherto excused and evaded the payment thereof, that your Majesty will be graciously pleased to extend your compassion towards us in considering the great danger to which this Province is exposed, and in giving such further orders to the said adjacent Colonies, that they may be obliged effectually to comply therewith, *etc.*

Message sent down that the Council had agreed to the amendments on the Bills for raising 1.500*l.* and to ascertain the assize.

Address congratulating H.M. signed by both Houses. [*C.O.* 5, 1185. *pp.* 81–88.]

June 15.
15th $\frac{m}{4}$ (Jn.)

823. William Penn to the Council of Trade and Plantations. The time limited for my attendance being too narrow to accomplish the proposals expected, and since they are of that moment to present and future happiness, to the people as well as myselfe and family, and to be but once done, I take leave to desire two or three days more, on the day call'd Thursday, or ffryday, at farthest, I hope to waite upon you with them, who am your respectfull ffriend, Wm. Penn. *Endorsed,* Recd. Read June 15, 1703. *Holograph.* $1\frac{1}{2}$ *pp.* [*C.O.* 5, 1262. *No.* 31.]

June 15.

824. Subscribers for producing Naval Stores to the Council of Trade and Plantations. Reasons humbly offered, by Sir Mathew Dudley and others the Subscribers, against the clause proposed by their Lordships in the draught of their Charter to restrain the transferring of stock within five years. That this undertaking will be of great use and benefit to this Kingdome, and most effectually be carryed on by a joint stock is admitted and reported by your Lordships. The Subscribers therefore conceive all the encouragement ought to be given which is necessary to promote, and all the restrictions to be avoided, which tend to prevent and discourage so usefull an undertaking. That the said clause is unusual and never was (as the subscribers know of) inserted in any Charter tho' of a less publick importance, and such restriction is inconsistent with the common rules and methods of trade and the common priviledges that all other Companies have. That the undertakers being most of them merchants and traders will be frequently exposed to great losses; and may consequently sometimes be under a necessity to make use and dispose of their stock in this Company, and without the assistance thereof too many and great mischeifs and inconveniences may

1703.

and will attend them. That its very improbable persons will adventure their estates in this or any other undertaking, where they cannot (lett their conveniences or necessities be never so great) have the free use and command of what they have so adventured. That stock-jobbing in what sense soever taken is not a sufficient reason to restrain the transferr of stock for any time, for by parity of reason no man shall be suffered to sell his estate (at least within a limmitted time) because some men have bought ill titles, which would not obviate the evill, unless there were no time when men's estates should be free, and then the remedy would be worse than the disease. So that how short soever such limitations were, it would be so great a disadvantage as no wise man, in hopes only of a distant and uncertain profit, would render his estate lyable to. That the liberty given to executors and administrators its supposed is granted them, to the intent they may therewith be enabled to pay the debts of the testator or intestate, the subscribers therefore humbly conceive it at least equally as reasonable, that a man himself should have the same liberty to dispose of his stock for payment of his debts as his executors or administrators ought to have, whence it follows that everyone ought to have that liberty or none ought to have it; but your Lordships have thought it reasonable executors and administrators should have it, therefore all indifferently ought to have it. That the Subscribers being willing to submitt to the clauses all ready inserted in the draught of the said Charter (and that as conditions of it) to import into this Kingdome yearly such great quantities of naval stores, and likewise to submit to a farther clause obliging them to offer to H.M. the pre-emption of them, and from time to time to contract with the Navy Board for masts of the largest dimensions to be brought from New England; as also that no persons selling shall be capable of buying again any stock in the Company within a year after such sale; and that the capitall stock shall always remain intire, and only the proffits be divided, is a sufficient means to prevent the stock jobbing, your Lordships are so jealous of; and which the Subscribers themselves do equally protest against. That the clause inserted in the draught of the said Charter obliging to transfer within so many days after contract, though it be what the Subscribers themselves offered to show the reality of their intentions, and which is sufficient to prevent all fraudulent transferrs, occasioned by the unjust artifices of raising and lowering stock (which cannot be to any degree in so short a time) as it never was inserted in any Charter, so it being the same provision only, which the late Act of Parliament hath already made, and which will equally affect this as all other stocks, the Subscribers conceive it wholly needless to insist on the said clause. As to what may be said in favour of the said clause, that in case any one be under a necessity of selling his stock, he may dispose of it to one of the Company within the five years, it may be answered, the liberty given to the members themselves to transferr to each other within the five years does not releive them whose necessities require them to sell, or give

1703.

better encouragement to the undertaking; for supposing the subscriptions should be actually filled, which the subscribers (if the said clause be insisted on) have noe prospect of, the number of purchasers (who may well be supposed to have subscribed allready as much as they are willing to part with ye command of) will be so few, that the sellers must lye under an inevitable necessity of keeping their stock till the five years are expired or dispose of it to a mighty loss and disadvantage, from which consideration none will subscribe much, and few anything; and consequently a thing of so great importance to this Kingdome be rendred wholly impracticable for the sake of a petty, if not an imaginary inconvenience. That severall persons of reputation and estate, who were willing to be, and others who were actually concern'd with the subscribers have only from a true apprehension of the hardship of such a restriction been discouraged, and wholly declined to meddle with or concern themselves in this affair. And if the said clause be insisted on, it will be impossible to compleat the subscriptions necessary to carry on this undertaking, and the subscribers now concerned must and will desist from all thoughts of any further application on this behalf. But in case the said clause may be wholly waved and the subscribers encouraged and favoured by a speedy dispatch, they are willing at their own costs and charges to begin, carry on and effect for supply of H.M. and nation this so necessary, usefull and publick an undertaking. *Signed*, Wm. Wharton—Agent. *Endorsed*, Recd. Read June 15, 1703. 5 *pp.* [*C.O.* 5, 863. *No.* 40; *and* 5, 911. *pp.* 54–61.]

June 15. Whitehall. **825.** Journal of Council of Trade and Plantations. Order of Council, June 10, read. Directions given for keeping draughts of Instructions for Mr. Usher and Col. Dudley, accordingly.

Letter from Mr. Burchet, June 14, read and communicated to Mr. Thurston.

Letter from Mr. Penn of this date read.

Letter from Mr. Usher, June 14, signifying his departure this morning in order to imbark at Portsmouth for New Hampshire, read.

The remaining Acts of the Bermuda Islands, as likewise an Address of the Assembly to his late Majesty, referred to in Capt. Bennet's letter of April 28, were read, and notes taken upon each of the said Acts, as also directions given for preparing a letter to Capt. Bennet thereupon.

Mr. Wharton and Mr. Bridger presented to the Board a Memorial by Sir Matthew Dudley and other subscribers, which was read.

June 16. Draught of Instructions for Col. Dudley and Mr. Usher agreed upon, and Representation signed wherewith to lay the same before H.M.

June 17. Letter from the Lord Viscount Weymouth relating to the report lately prepared, but not yet presented, concerning the rates of forreign coin in H.M. Plantations, read. Directions given for an answer.

1703.

The Secretary acquainting the Board that one book of the Maryland Acts lately sent to Mr. Sollicitor General entituled *Perpetual Laws without Limitation* does contain the very same Acts that had been formerly transmitted hither in separate parcells and upon which their Lordships have had the report of the Lord Chief Justice Trevor when Attorney General, a letter was writ to acquaint Mr. Sollicitor therewith, that he may not give himself the trouble of perusing that book, but return it, and to desire him to dispatch his opinion upon the remaining Acts in his hands with what speed he can conveniently.

Draught of a letter to the Lt. Gov. of the Bermudas agreed upon. [*C.O.* 391, 16. *pp.* 157–161 ; *and* 391, 97. *pp.* 447–454.]

June 15. **826.** Minutes of Council [*in Assembly*] of Barbados. 25*l. sterl.* paid to Arthur Slingesby for one year's rent of the Council Chamber.

H.E. appointed John Mills to be Chief Baron of H.M. Court of Exchequer and Chief Justice of the Pleas of the Crown ; Richard Elliot to be Chief Judge of the Court of Common Pleas for the precincts of Christ Church, Jona. Downes for the precincts of St. Michael's, and Thomas Maycock for the precincts of St. James, Alexander Walker for the precincts of St. Peter's, and Robert Yeomans for the precincts of St. Andrews.

H.E. signified to the Board that he intended to give orders for a new Commission of the Peace to issue, but for as much as he had been informed that several of the persons in the present Commission were very unfitt and not qualified for that trust, and therefore would require some considerable alteration for the better preserving the character and reputation of the Magistrates appointed by that Commission, and that there might be none for the future putt in but such as are well qualified for such offices, H.E. did direct the members of this Board to deliver to him a list of the Gentlemen of the best estates and characters within the several parishes.

Private Bill concerning the land settled in trust by Phillip Trowell read the first time.

The gunners H.M. was gratiously pleased to send hither to be employed in the several forts in this Island, complaining that they wanted subsistence, and their salaries being appointed by H.M. to be paid in England and of the money arising from the 4½ per cent., and there being no orders [*for*] their payment out of the said fund here, nor any directions how they shall be from time to time supplied, the Hon. Samuel Cox offered to supply them with money, if H.E. would grant him his letter to the Lord High Treasurer, which he promised.

245*l.* 6*s.* 3*d.* paid to John Duke and fifteen men for guarding the Magazine.

Ordered that the Commissioners of the Fortifications report what quantity of the stores imported be necessary for each Division.

H.E. delivered to the Board and to the Assembly H.M. Letter of April 20, 1703, forbidding him to receive any presents from the Assembly. The Speaker acquainted H.E. that the House had voted him a present of 2,000*l.*, which H.E. refused as contrary to the said Order.

The Hon. Richard Scott, a member of this Board, was granted leave to go for England to settle some affaires there and for recovery of his health.

Petition of Capt. William Mill, Commander of H.M. brigantine *Larke*, read, setting forth that 'tis very difficult on any or great occasion to man her, the men often deserting for want of being paid at the end of their cruise, and that 'twould conduce much to H.M. service and the good of this Island, if a certaine number of sailors were constantly kept and paid every six weeks, that they might be sure of them upon all occasions. Said petition referred to the Assembly. [*C.O.* 31, 8. *pp.* 48–52.]

June 15. **827.** Journal of Assembly of Barbados. The House met by a special call from H.E., who recommended to them the consideration of the Act relating to the practisers of the Law, and also of the charges of the French Flagg of Truce. The barristers having been heard, it was resolved that no person shall practice as a Lawyer without taking an oath in that case to be appointed, and a Committee was appointed to consider the Act to *prevent abuse of Lawyers and multiplicity of Law-suits.*

Resolved that Capt. Cazelis (*of the Flag of Truce*) be allowed 5*s. per diem* and each of his men 15*d.*, from the time that their own provisions were expended.

Voted, that Mr. Bridges be continued in his Agency for the country.

Accounts of Kingston Townsend for provisioning the *Larke*, committed.

Resolved, that no one practise as a lawyer in Courts where he is an officer. Two Bills about lawyers ordered to be considered. Committee appointed to examine into officers' fees. [*C.O.* 31, 7. *pp.* 71–76.]

June 15. Annapolis. **828.** Minutes of Council of Maryland. Letter from Governor Lord Cornbury, May 25, read. "I take the opportunity of H.E. Col. Nicholson's returning to his Government, to intreat the favour of you that the sum of 300*l.* voted of the Quota, may be transmitted to me by bills upon some person in London." Referred to consideration of full Council on June 22nd.

Ordered that Lt. Col. Thomas Smithson, Publick Treasurer of the Eastern Shore, transmit hither what money in his hands in order to make up the part of the Quota voted by the Assembly by bills if possible. [*C.O.* 5, 745. *pp.* 30, 31.]

June 16. Barbados. **829.** Governor Sir Beville Granville to [? *the Earl of Nottingham*]. Enclosing copy of letter [? of June 4th]. *Endorsed*, R. Aug. 21, 1703. *Holograph.* 1 *p.* [*C.O.* 28, 38. *No.* 15.]

June 16. Whitehall. **830.** Council of Trade and Plantations to the Queen. Enclosing Draughts of Instructions to Governor Dudley and

Lt. Gov. Usher, *as proposed* June 4. *Signed.* Rob. Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. *Annexed,*

830. i. Drafts of Instructions referred to in preceding. [*C.O.* 5, 911. *pp.* 65–69.]

June 16. Barbados. **831.** Governor Sir B. Granville to the Council of Trade and Plantations. By the Pacquet Boat which arrived here the 14th instant, I received two letters from your Lordships, April 20 and 29, together with the signification of H.M. pleasure in relation to my salary, and the receiving no present. I shall always most strictly obey whatever H.M. is pleased to command me, but must beg leave to represent to your Lordships that the whole advantage of this Government being reduced to 2,000*l.* a year makes it much lesse profitable to me then it has ever been to any other Governor whatsoever; that having no intimation nor any reason to believe it would be made lesse to me then what it had been to others, I was at the same charge in providing what was necessary to support the dignity of H.M. Commission; that this is by far the dearest place in America, if not in the whole world, and all necessaries to be purchased at an extream and excessive price, that 600*l.* in England will goe as far as 2,000*l.* will here, that instead of reaping the advantage, which has been allowed by all H.M. predecessors to those who have had the honour to serve them in these parts and bettering in some little measure their fortune, I shall be very happy if at the year's end with the best husbandry I find not myself in debt. Upon these considerations I beg your Lordships' favourable intercession with the Queen for an encrease to my salary and that I may not be in a worse condition than any who have gone before me, that that encrease may be equall to the present always made and now taken away; without this I shall have the satisfaction only of serving H.M. in a place where few care to come upon any account and to have left for it employments in her service in Europe of more advantage to my private fortune. Your Lordships' directions in relation to the Courts of Justice and proceedings at Law I shall very punctually observe, and will give not any just cause of complaint against me in that matter or any other. I shall by the first vessell to Bermuda forward your Lordships' letters thither; at present there is none here bound thither. The convoy with the merchant ships from England is not yet arrived. It was May 10 before I arrived here, which occasions this to be the first letter I have the honour to write your Lordships and prevents me yet from being able to be particular in any account of the publick transactions here. I shall prepare myself against the return of the next packet, in the meantime I crave leave to assure you that I shall endeavour with all the diligence and duty that becomes me to discharge to your Lordships' satisfaction the trust the Queen has reposed in me. This island is more unhealthy then it was ever yet known to be, there being a very dangerous distemper all over the country as well as in the towns, the distemper is very catching and very mortal. The Engineer dyed of it in ten days after his arrival,

1703.

and since that the Master Gunner. It would be for H.M. service that an able Engineer was sent hither by the first opportunity; we very much want one. There are no directions yet come hither for money to pay the Gunners sent hither with me; as they are to be paid out of the 4½ per cent. it will be necessary they receive their pay here. I beg your Lordships' speedy consideration of them, without which those poor fellows will soon be in a wanting condition. I have no manner of news to trouble your Lordships with all, not having yet received any informaton whatever from abroad, but of the unsuccessfull attempts on Guardaloup, the particulars of which I know your Lordships have from surer and better hands, recommending myself therefore to your protection and favour, I remain with all submission and respect, *Signed*, Bevill Granville. *Endorsed*, Recd. Aug. 21st, Read Sept. 9, 1703. *Holograph*. 6 *pp*. *Annexed*,

831. i. Abstract of preceding. 2 *pp*. [*C.O.* 28, 6. *Nos*. 98, 98.i.; *and* (*without abstract*) 29, 8. *pp*. 320–324.]

June 16. St. Jago de la Vega. **832.** Minutes of Council of Jamaica. Ordered that the Governor be reimbursed for the money he has paid for 16 soldiers out of quarters. [*C.O.* 140, 6. *p*. 145.]

June 16. **833.** Minutes of Council in Assembly of Jamaica. The Bill for quartering the soldiers was read a second and third time and passed. A message was sent down, desiring the House to name some person to be Provost Marshall, the foresaid Bill having incapacitated the present person from acting. The House proposed John Hickman.

The Governor summoned the Assembly to attend and addressed them:—I am mightily concerned and I hope every true Englishman is soe to see our Gracious Queen's great clemency and goodnesse soe neglected (especially after the votes of your House and your Address to H.M. sent home), by letting 400 of her subjects, recruits sent by H.M. for the safeguard and preservation of this her island, your persons and estates, which now are, and for four days past have been exposed to hunger, thirst and dews by night as well as the excessive heats by day and other inconveniencies, which you cannot but be sensible of, several of them are already dead on the Point, and I much fear a great many more will follow through your delatory proceedings by denying a free Conference with the Council on the subject matter of the Quartering Bill (which you are pleased to term a Money Bill), and contrary to former precedents and the undoubted methods and proceedings of the former Councils and Assemblies of this Island. I am sorry, Gentlemen, that I should be forc't to lay this heavy charge at your doores, but must acquit these Gentlemen of the Council, who have with honour discharged their duty to H.M. and shown a just regard for their country. Then the Governor passed the Bill.

June 17, 7 a.m. The House sent up their reply. "We H.M. dutiful and loyal subjects are extreamly troubled that your Honour should think us chargeable with neglect of H.M. forces sent hither for our safeguard, or that any suffering of theirs should be laid to us, since we being desirouse to prevent all accidents of that kind, did on March 15, 1702, pass and send up to the Council a Bill, *for the present subsistence of H.M. soldiers*, which was to continue in force to Sept. 15, 1703; which Act being delayed in Council, least the soldiers should continue out of quarters, we were farther willing to use all means for the advantage of H.M. soldiers and sent up on March 23, 1702, a Bill, *for continuing H.M. private soldiers in quarters*, which past the Council and was of force till May 1, 1703, and no longer. Whereupon the Assembly sent up one other Bill *to continue the quartering of the soldiers*, which they did intend to renew until the passing the Act yesterday consented to by your Honour, which Act on May 5 was unanimously rejected by the Council, and your Honour did concur in opinion with the Council therein. By all wch. Acts we did to our utmost provide as well for such recruits as should after that time arrive as well as for the soldiers then here, *etc.* As to the Bill consented to yesterday, wch. your Honour sayth we are pleased to term a Money Bill, we are sensible it is such, and the greatest tax for the time that hath ever been laid in this Island, which to show our zeal we were willing to give, notwithstanding our great losse by the fire at Port Royal, and we are well assured that we ought not to consent to any such conference on such money Bills as in your Honour's Speech is mentioned, it being contrary to our known rights and libertys."

The Governor's reply was sent down:—Your message, tho' you seem to think it much to your advantage, yet you can never perswade me to believe contrary to what I have seen and heard. It is not my design to enter into a paper warr with you, but hope you will joine and be unanimous in carrying on the business lyes before you. The Speaker has moved me to-day for leave to adjourne for some time for quartering the soldiers. I shall take no message from the Speaker, but if proper application be made, I shall give leave to what is reasonable.

The House applied for leave to adjourn till June 28, which was granted, many of the Justices, Churchwardens and Vestrymen now sitting in the Assembly and cannot, without an adjournment, attend the quartering of the soldiers. [*C.O.* 140, 6. *pp.* 489–495.]

June 17. **834.** Rowland Tryon, of London, Merchant, Correspondent to Col. Walter Hamilton of St. Christophers, to the Queen. Col. Hamilton, who was an officer in the several expeditions against the French Charibbee Islands throughout the late warr, has been recommended by Gov. Codrington to be L.G. of St. Kitts, and prays for H.M. Commission accordingly. 1 *p.* *Subscribed.*

834. i. June 17, at the Court at Whitehall. H.M. is graciously pleased to referr this petition to the Council of Trade and Plantations for their report. *Signed*, Nottingham. *The whole endorsed*, Recd. 21, Read 22 June, 1703. [*C.O.* 152, 5. *No.* 31; *and* 153, 8. *pp.* 197–198.]

1703.
June 17. **835.** Journal of House of Representatives of New York. Bill, to oblige persons to pay their arrears of 1,000*l.* tax, read the first and second time, and committed.

The House presented their address [June 16] to H.E. in Council, which was favourably received.

June 18. The above Bill was read the third time and sent up.

Bill sent down, for the better enabling the farmers of the excise within the City of Albany to collect their excise and to prevent frauds therein, was read the first and second times and committed, and was rejected.

The Engrossed Address to H.M., sent down, was signed by the House and sent up.

June 19. H.E. summoned the Assembly to attend and gave his assent to the following Bills :—(1) To enable the Justices of the Peace for Albany to repair or rebuild a Common Gaol and City and County Hall and to pay their arrears of their publick charges ; (2) to enable the Ministers and Elders of the French Protestant Church in the City of New York to build a larger Church ; (3) prohibiting the distilling of rum and burning of oyster-shells into lime within the City of New York, or within half a mile distance of the Hall of the said City ; (4) for laying out, regulating, clearing and preserving publick common highways throughout this Colony ; (5) explaining the Act for defraying public charges, and for maintaining the poor and preventing vagabonds ; (6) for the better and more speedy recovery of the forfeiture of 6*l.* for persons not appearing upon detachments *etc.* ; (7) for the better establishment of the maintenance for the Minister of the City of New York ; (8) declaring the illegality of the proceedings against Col. Nicholas Bayard *etc.* ; (9) amending the Act appointing Commissioners of Accounts ; (10) raising 1,500*l.* towards erecting two batteries at the Narrows ; (11) ascertaining the assize of casks *etc.* ; (12) obliging persons to pay their arrears of the 1,000*l.* tax.

H.E. adjourned the Assembly to the second Tuesday in September. [*C.O.* 5, 1185. *pp.* 88–92.]

June 17.
Royal College of William and Mary. **836.** Minutes of Council of Virginia. H.E. laid before the Board H.M. additional Instructions concerning convoys (*Jan.* 7, 26). Ordered that no ship sail without convoy, and that notice be given to Commanders of vessels to hasten their lading that they may be ready to sail with the convoy daily expected. To prevent any vessel running away contrary to this order, advised that H.E. issue his order to Capt. Bostock, H.M. advice-boat *Eagle*, to cruise in the Bay. Capt. Bostock representing that it was absolutely necessary to careen his vessel, ordered that he do so as speedily as may be, and that he have a warrant to impress so many Carpenters as shall be necessary, he paying them for their labour. Capt. Bostock praying H.E. to give order that he may be supplied with money for workmen for careening, and for provisions, H.E. declared that he would endorse Capt. Bostock's bills drawn on the Commissioners of the Navy or Victualling Office to any person for work done or provisions

1703.

supplied to the *Eagle*. Upon Capt. Bostock's request for stores, ordered that Edward Ross, gunner at James City, deliver to Capt. Bostock so many of the gunner's stores demanded by him as can be furnished out of the magazine at James City.

Ordered that, so soon as the vessel is careened, Capt. Bostock cruize in the Bay between Cape Henry and Point Comfort at all fair and reasonable opportunities; and that he take care to impress no man without H.E. warrant, according to his Instructions.

Upon Capt. Bostock's account of the sloop *Elizabeth*, whereby it appears that she is in want of many things to fit her for service, ordered that a Committee survey her.

Order concerning the Militia approved:—It being credibly reported that a squadron of French men-of-war are speedily expected in the West Indies, and that the French are very strong in Canada and ready to invade H.M. Plantations: Ordered that the Colonels and Commanders of the Militia appoint persons to look out to seaward, and take care of the frontiers by land, to appoint a General Muster, and private musters every three weeks, to make returns of the Militia before July 20, and to draw out every fifth man in their troops and companies, every ten such fifth-men to choose an officer. The Militia to be held in readiness for all occasions and an account of arms and ammunition taken.

H.E. acquainted the Council that when he was at New York, he was informed, not only by the Lord Cornbury, but also by several other Gentlemen there of the ill-condition the frontiers of that H.M. Province are in, their forts being ruinous, and their standing forces but in a mean condition to oppose the enemy, especially considering the strength of the French in Canada, where 'tis said they have a great many regular troops and their late practices amongst the Five Nations rendering it more than probable that they have a design on that Province; that therefore H.E. being apprehensive of the danger this Colony is in, if the French should prevail upon the frontiers of New York, concludes it to be absolutely necessary upon any advice of the motions of the French towards that province, to draw a strong detachment of the Militia of this Colony towards our Northern frontiers for our defence in case this country should happen to be attacked next. And further, that being sensible of the danger that threatens New York, he had given Lord Cornbury bills of exchange for the 900*l*. demanded by H.M. of the Assembly here, according as he had formerly promised upon the Assembly refusing to comply with H.M. said demand, and laid before the Council Lord Cornbury's receipt.

Whereas Col. Thomas Godwin, Commander-in-Chief of the Militia in Nansemond County, hath informed H.E. that the Maherine Indians having discovered a bark boat coming down the Maherine River with about seven men in it and supposing them to be spies from the Senequah Indians, laid wait and killed five, the other two making their escape, but when they came up to the boat, they found the slain to be white men, having several English goods with them, Ordered that a copy of Col. Godwin's information be sent to Col. Wm. Byrd, and that he send forthwith to the Manican Town to enquire if any of the French Refugees there be missing. And because of the danger that attends the frontier plantations from the incursions of Indians now in this time of war, when it may reasonably be believed they will be set on by the French of Canada to commit murder and other depredations on this Colony, it is also ordered that Col. Byrd appoint some of the Militia Officers of Henrico County to visit the French Settlement at Manican Town once every week to charge them not to leave their habitations nor to straggle into the woods any distance from their settlement, and also that the said officers observe what condition they are in, and what order they keep amongst themselves.

William Chichester was admitted to be a pilot in James River.

William Bernard of Gloucester County by his petition setting forth that John Brown, late of said County, dying without heir or relation in this county, he, Bernard, administered as greatest creditor; since which a sum of 9*l.* 10*s.* 3*d.* has come in, which he prays may be granted to him; ordered that the matter be referred to Mr. Auditor Byrd, and that the balance be granted to petitioner if he has no objection.

Petition of Silvanus Stokes the Elder, of Charles City County, complaining of great abuses offerred him by Capt. Richd. Bradford, particularly by breaking open the door of his house and going into bed to his wife, referred for enquiry.

The information of Walter Cole, Surrey County, mariner, that he had been told in London that H.M. had given order for holding the General Courts of this Country at James Town as formerly, H.E. asked the advice of the Council whether upon this information a stop shall be put to the building of the Capitol. Advised, that the information be disregarded, being only upon hearsay.

Return ordered as to whether the frontier Plantations are seated according to an Act of Assembly, 1664.

Letter from Col. Robert Carter read, in answer to one from H.E. commanding him to bring with him a letter directed to him and dropt between the Capitol and the house of Mrs. Waley, intimating that the Queen had appointed the Lord Portmore Governor of this Colony. Carter in his answer denying that he dropt any such letter at Williamsburgh, nor wanted any letter that bares direction for him as he knows of, and now further declares in Council that he never had nor saw that letter, H.E. after having signified to the Council his dissatisfaction with the reports that have been lately spread concerning a new Governor, told them that since H.M. nor the Lords Commissioners for Trade have intimated any such thing to him, he commanded them in H.M. name to forbear such discourse for the future.

Whereas several persons have of late taken upon them to spread diverse false reports tending to the disturbance of this H.M. Colony, H.E. in Council is pleased to order that the Justices of the Peace take care to have the Laws against publishers of false news put in effectual execution, as they will answer to the contrary.

1703.

Order directing all ships to ride at certain places mentioned, for their safety in time of war, in accordance with the Act of 1667. [*C.O.* 5, 1412. *pp.* 71–79.]

June 18.
18th $\frac{m}{4}$ (Jn.) **837.** William Penn's Proposals to the Council of Trade and Plantations "about the Surrender of the Government of my Province of Pennsylvania." (1) That the Government of the Province of Pennsylvania and Territories continue to be the same distinct Government under the Crown that it hath always been and now is. (2) That the Laws and Constitutions thereof be confirmed by the Queen, except such few as I shall object against. (3) That a Patent pass to me and my heirs for the three Lower Countys of New Castle, Kent and Sussex, called the countys annexed or Territorys of Pennsilvania, according to a grant begun by ye late King James, and had been finished had he stay'd one week longer at White hall, as may appear by a Bill drawn in persuance of his warrant, signed Will. Williams, Attorney or Solicitor Generall. (4) Since my first expedition cost me 10,500*l*., and that my Government has stood me in twice as much, and since that Government was ye best part of the consideration I had from ye Crown, having bought the land of the natives over and over, and yt ye soyle is only made of any value to me upon my own interest, and their and my charge that engaged, and that from henceforward my shop windows will be shutt down and my markett over (my case and yt of my Province having Peculiaritys distinct from all others) the motive to treat being over by my surrender of my Government, and since that will disable me to pay the Debts ye whole has contracted upon me and my estate, by loosing the benefitt and yt prospect of return the People's Justice might afford me and my posterity as their Governor, and since my property as it is called and distinguisht by an English scale, while but a wild and unculted one, and never to be otherwise but at my cost, which is 99 parts in 100, besides the fall 'twill give to our present settlements (that rise fifty p. cent on my last arrivall there) and an abundance of seen and unforeseen prejudices, yt may follow to me and myn, and those engaged on my account, and that the custome of goods imported here from thence, directly amounting from 1,500*l*. since my arrival to 10,000*l*. p. annum to the Queen, and by circulation of our trade by the Ilands in their commoditys hither, to no less yn as much more, wch. before it was myn never returned anything, I hope it will not be thought hard that I ask thirty thousand pounds pd. and one half ye penny p. pounds upon tobacco in the country, as well as of wt. sum or sums the people shall give and grant the Governour for ye time being for his salery by my assistance. (5) Having so great a stake there, and ye inhabitants thereof, and to distinguish myself and family as the founders of ye country, that I and my Heirs shall have power to present, as often as a Governour is wanting, 2 or more persons, to ye Queen or King, for ye time being, qualifyed for that station, for her or him to appoint and commission one of them to be Governor and Vice-Admiral thereof. (6) That no

1703.

appeals shall lye to the Queen in personall actions, where the cause of action is of less value yn 200*l*. (7) That all Rights, Priviledges, Jurisdictions, Power and Preheminences, granted unto me and my Heirs by Patent as Lord of the soyl and waters and Proprietor of ye country, with all incident Courts and offices thereunto belonging, be in ye amplest manner Reserved and confirm'd and yt all such further priviledges, franchises and libertys as upon consideration shall be found necessary to ye good and prosperity of the said Provinces, *etc.*, in augmenting ye trade and further peopling thereof may be granted and confirmed to me and my posterity, wch. is submitted. *Signed*, Wm. Penn. *Endorsed*, Recd. 18th, Read June 22nd, 1703. *Holograph.* 2¼ *pp.* [*C.O.* 5, 1262. *No.* 33; *and* 5, 1290. *pp.* 339–343.]

June 18. Whitehall. **838.** Council of Trade and Plantations to Governor Codrington. We have not received any letter from you since ours of May 27 (whereof you have here inclosed a duplicate). You will also herewith receive the copies of the Orders of Council therein mentioned, confirming the Acts of Antegoa, four Acts of Mountserrat and four of the General Assembly held at Nevis, which Orders were not then come to our hands. Mr. Cary has informed us of the happy begininng of your expedition against Guardaloupe. We wish you a continuation of success in the performance of so eminent a service, and will not doubt thereof from your vigilance and conduct. *Signed*, Dartmouth, Rob. Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 195, 196.]

June 18. Whitehall. **839.** Council of Trade and Plantations to Lt. Governor Bennett. We have lately had under consideration the Acts past in the Bermuda Islands, from the beginning of the Government of Mr. Richier, 1690, till those past under your Government, July, 1701, in order to report upon them all to H.M. We think it necessary in the meantime to observe to you one great irregularity in the enacting stile of the said Acts, past by your predecessors and by yourself, vizt., after the introductory preface the said Acts do either begin abruptly with "Be it enacted by the Governour, Council and Assembly *etc.*," or very frequently, "May it please your Excellency, that it may be enacted. and be it enacted by the Governour, Councill and Assembly, *etc.*," both which stiles are improper, but especially the latter. Neither yourself nor any of your predecessors have been constituted Governors, but only Lieutenant Governours of those Islands; and none of them ought therefore to have past Acts in a stile not agreable to their Commission, much less to have permitted the Assembly to address to them by way of Supplication. The usual stile in other Plantations, after the preface is to the following effect, vizt., "We your Majesty's most dutifull and loyal subjects the Assembly of etc. do most humbly beseech your Majesty that it may be enacted and be it enacted by your Majesty's Lieutenant Governour, Councill and Assembly, and it is hereby enacted and ordained by the authority of the same that etc."

These words sometimes a little varyed; but never so as to supplicate any other than the Regal Power. The only Act we shall now mention more particularly, is the first of those past by yourself which is for *An imposition on liquors and sugars imported and landed in those Islands.* This we have read together with your letter of April 28, 1702. In that letter you say it is generally affirmed that the former *Liquor Tax* was limited for two years, and that it was a mis-entry of the Clark's which made it indefinite. This point ought to be fully cleared, and not taken upon common speech. If any Clark have been guilty of that fault, he ought to be punished for it by the loss of his place at least, and other as fitt; but so many doubts arise upon what Mr. Day and you have writ on that subject, and from the very preamble of this last Act, that we think it proper to take notice of some of them. The first Act Transmitted by Mr. Day is not under the Seale of the Islands, but only a copy certifyed by Charles Minors, Deputy Secretary, expressing it to be "A true copy from the original Record," the word "original" is struck out, and the word "Record" interlined. In the Address of the Assembly convened Oct. 22, 1700, annexed to that copy, the Assembly says that Act would not expire till November 11 next ensuing; but in the Minutes of Councill of December 30, 1700, the Council declares it as their opinion that the said Act was then in full force. In the preamble of the last Act it is said, that the former was "to continue for two years from the publication of the said Act and then to expire, as may appear by the original of the said Act, and the records of the votes of Assembly precedent thereto." And in the same preamble it is said that the Clerk by a great oversight left out a whole paragraph in entring the said "Act in the Booke of Records." Upon our comparing these two expressions, it appears that the "original" of the said Act and the "Book of Records," in which the same is or ought to be entred, are two different things. And the blotting out the word "original" and inserting the word "record" in Mr. Minors' certificate, do further confirm that observation. Whereas also in the foresaid preamble, the records of the votes of Assembly, precedent to the passing of that Act, are referred to for clearing the matter of fact; you do not say that you have inspected them; nor have you transmitted to us the copies of the Journals of that or the following Assemblies, as you are required by your Instructions. This omission of transmitting the Journalls of the Assembly, has been a fault of former Governours, and by this instance you may see of what ill consequence it is; we admonish you therefore to be very carefull in transmitting authentick copies of all publick proceedings whatsoever. Particularly we expect you should send us an authentick copy of that Act under the Seale of the Islands as it stands upon the "Record," and also an authentick copy of what is called the originall Act, this likewise under the Seal of the Islands; to the end that upon comparing these two together we may observe what difference there is between them. We further expect authentick copies of the Journalls of the Assembly

1703.

wherein this Act was past; by all which we may be better enabled to judge whence this difference arose. In the meantime we recommend to you as your duty, that you endeavour to dispose the Assembly to pass a new Revenue Act without limitation of time, as may best contribute to H.M. service, and to the safety and defence of those Islands. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [*C.O.* 38, 5. *pp.* 393–397.]

June 18. Whitehall. **840.** Council of Trade and Plantations to Lt. Gov. Handasyd. We have not received any letter from you since ours of May 27th. We have little to add, more than to continue our advice to you that you be very circumspect in the administration of the Government of Jamaica, and transmitting authentick copies of all Proceedings therein, according to your Instructions and the directions which we have several times repeated to you upon that subject. We send you likewise here inclosed a copy of H.M. Order in Councill of May 17th, confirming some Acts of the Assembly of that Island which we had laid before H.M. with our humble opinion for that purpose. *Signed*, Dartmouth, Robt. Cecil, Ph. Meadows, John Pollexfen, Mat. Prior. [*C.O.* 138, 10. *p.* 477.]

June 18. Whitehall. **841.** Journal of Council of Trade and Plantations. Mr. Moore, brother to John Moore of Pennsylvania, presented to the Board a letter from his said brother, desiring some consideration may be had of his 5 years' service as Queen's Advocate in those parts. Their Lordships looking back upon what has been formerly moved hereupon, the Minutes of Feb. 15 were communicated to him, as all that can be answered upon that subject.

Letters to Capt. Bennet, Col. Handasyd and Col. Codrington signed. [*C.O.* 391, 16. *pp.* 161, 162; *and* 391, 97. *p.* 457.]

June 22. Whitehall. **842.** Council of Trade and Plantations to the Earl of Nottingham. Since H.M. happy accession to the Crown, new Instructions have been sent to all the Governours in the West Indies, except to Jamaica, which Instructions differ from those given in the late reign, as well in relation to the oaths that are to be taken by all in office, as to the discipline of the Navy, lately resolved on by H.M. in Councill. New instructions with proper alterations were drawn for Jamaica, intended for my Lord Peterborough; but his Lordship not going and no other Governour having been since appointed, the Lieutenant Governour of Jamaica can only act by the former Instructions; upon which consideration we are humbly of opinion, that the Instructions drawn up for my Lord Peterborough, and remitted to your Lordship, may be past under the Seal and sent to the present Lieutenant Governour, which we humbly submit to H.M. pleasure. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. 1 *p.* [*C.O.* 137, 45. *No.* 48; *and* 138, 10, *pp.* 478, 479.]

1703.
June 22.
Whitehall.

843. Journal of Council of Trade and Plantations. Ordered that the Secretary do inclose to the Governor of Barbadoes the letter for the Lieut. Gov. of Bermuda and a duplicate of the last letter to him.

Proposals made by Mr. Penn read. Ordered that he have notice to attend on Wednesday in the morning.

Petition of Rowland Tryon read and a report to H.M. prepared.

Letter to Lord Nottingham relating to Col. Handasyd's Instructions, signed.

June 23. Representation on Mr. Tryon's petition signed.

Acts of Maryland, 1692, together with Sir Thomas Trevor's report on them, Oct., 1699, considered. Their Lordships observing that a revision of the Laws of that Province had been made by the Assembly in July, 1699, wherein several former Laws were continued, and others altered, and that by the repealing one Act therein contained, *An Act ascertaining the Laws of this Province*, these first abovementioned do remain in force notwithstanding that divers of them had been left out of the Collection of those revised; but their Lordships having nothing before them explaining what may have been the reasons for that omission, nor what proceedings have been further made in Maryland in relation to the body of the Laws of that Province since the repealing of the foresaid Act; and further considering that many doubts may thereby arise whether some of these first above-mentioned are fit to be confirmed or no; ordered that a state of what relates to the collection or revision of the Laws of Maryland be laid before the Board for their further consideration. [*C.O.* 391, 16. *pp.* 162–165; *and* 391, 97. *pp.* 461–466.]

June 22.

844. Journal of Assembly of Barbados. Resolved, that the fees of barristers be in proportion to those of attorneys.

2,000*l.* voted as a present to H.E., who then acquainted the House with H.M. Instructions restraining him from receiving any presents from the public.

Supplemental Bill to an Act concerning the General Sessions sent down with amendments, which were agreed to.

Resolved, that all lawyers, who cannot think it safe to take the oath prescribed, shall be at liberty to practise in all causes wherein they have been already retained, without taking it.

Robert Stewart was granted leave to practice.

Ordered that Thomas Reynoldson, vintner, do accommodate the French prisoners that are under his charge, for a fortnight longer at the public expense.

Ordered, that Capt. Mills continue in command of the *Larke*. [*C.O.* 31, 7. *pp.* 76–81.]

June 23.
Whitehall.

845. Council of Trade and Plantations to the Queen. In obedience to your Majesty's commands, we have considered the petition of Coll. Walter Hamilton. *Quote* the recommendation of Gov. Codrington *etc.* He appears to us to be well qualified to serve your Majesty as Lieutenant-Governour of St. Christophers, in case your Majesty may please to honour him with that Commission. *Signed*, Dartmouth, Robt. Cecil, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 199, 200.]

June 23. **846.** Minutes of Council of Jamaica. The Governor acquainted the Board that the occasion of calling them together was upon the Admiral sending orders on Sunday last to impress men at Port Royal and Kingston without any application made to him for leave, or to any civil magistrate. An enquiry was ordered to be made into the matter. [*C.O.* 140, 6. *p.* 145.]

June 23. Annapolis. **847.** Minutes of Council of Maryland. H.M. Order in Council confirming the Act for the establishment of religious worship read, and ordered to be published in all the churches.

Letter of the Council of Trade and Plantations, Jan. 26, read relating to the sailing of ships. His Honour, the President, acquainted the Board that, pursuant thereto he had ordered the officers of the Customs not to clear any ship until further orders.

Reply to Lord Cornbury's letter (*see* June 15) agreed upon:—"This Province having formerly been at great charge on the like occasion of remitting monys to your Government, our Assembly have resolved that the money voted should be paid by the Treasurer to such person as should be sent from your Government, who might give a receipt therefore, which by our former letter we intimated to your Lordship, and assure you that when your Lordship shall be pleased to send for the same, it will be readily paid," *etc.*

The following Representation of the Clergy of the Province read and referred to the Assembly:—(1) That catalogues of parochial Libraries be taken and sent to the Council. (2) Whether the Sheriff can by the Act of Assembly demand sallery for collecting the 40*lb.* of tobacco per poll. and from whom. (3) How necessaries for the communion ought to be provided, and whether according to the Act of Queen Elizabeth, the Churchwardens of our respective parishes are not to take for the same, and how to be raised. (4) That Church Officers be obliged to subscribe their assent and consent of the Common Prayer and 39 articles. (5) That no unbaptized person be admitted into any office of trust in the Government. (6) That the Dissenters, especially the Quakers, do not conforme to the Act of Tolleration as confirmed by the Act of Religion, in divers particulars, first in not subscribing such declaration and profession as is provided by that law, secondly in not registering their meeting-houses in the several County Courts. (7) *Recommend* the passing of an additional Act concerning religion, wherein some penalty may be inflicted on such as professing themselves Protestants, never attend the public worship of God. (8) That the Quakers and Papists be restrayned from seducing H.M. Protestant subjects. *Signed*, Ro. Keith, Robt. Owen, John Sharpe, Jno. Edwards, Gabri. Demmilliane, Wm. Tibbs, Jos. Colbatch, Jno. White, Benja. Nobbs, Tho. Cockshutt, Henry Hall, Thomas Howell.

The President acquainted the Board of his being informed of several considerable quantities of rumme clandestinely brought

1703.

from Pennsilvania over the head of the Bay into this Province, for prevention whereof he proposes that the Naval Officer be instructed to depute some person in Elk and Bohemiah River.

Upon petition of George Muschamp and George Plater, praying the application of the Board to the Council of Trade and Plantations that their respective salaries may be paid them out of the 3*d.* per hhd. allotted for the purchasing arms, this Board do not think fit to make any such application, the said duty being given to the country for so good an use.

Upon application of Sir Thomas Laurence, Secretary, ordered that Col. Henry Darnall, Lord Baltemore's Agent, do bring into the Secretary's Office what pattents are made out and remayning in his custody, to be recorded in the Secretary's Office, according to His late Majesty's Order in Council. [*C.O.* 5, 745. *pp.* 31–34.]

June 24. Whitehall. **848.** William Popple to Governor Sir B. Granville. The Council of Trade and Plantations having not yet received any letter from you since your departure from hence, nor having at present any new matter to communicate to you relating to the Government of Barbados, they have ordered me in sending forwards the inclosed duplicate of their last, which was of the 27th May, to recommend the conveyance of this further letter for the Lieut. Governor of Bermuda to your care, in like manner as they did their former. [*C.O.* 29, 8. *pp.* 315, 316.]

June 25. Nevis. **849.** Extract of a letter from William Burt to Mr. Dummer. As for the time of stay at each place, I perceive all people are agreed it's sufficient, except this place, which if it was made equal with Antigoa, it would be an advantage to the inhabitants; here's as much trade as they have there and will require as much time to corrispond, tho' in a little time if our coast is not better guarded with some ships, we shall have little occasion of corrispondence, for since the Fleet went to Jamaica, the French from Martinico and Guardaloupe have fitted out 18 sail of privateers chiefly man'd by their mean planters that would otherwise starve. They are so thick amongst these Islands, that we can't sail from Island to Island but with more hazard than between England and this place; hardly a vessel in 3 escapes. About 3 weeks past a ship called the *Rubey* from London and Ireland bound to this place with 1,200 barrels of beef and other goods was taken; about 14 days past one Bennett from Bristol, bound here, was also taken; eight days past two ships and a brigantine loaden with provision and lumber from New England bound to Antegoa taken by a sloop in an hour's time, and several other vessels that we have not yet a particular account of, so that everything is risen to extravagant prices, staves and boards at 14*l.* a thousand, no cask to put sugar in or vessels to carry it away, which makes it of no value amongst us, freight at 14*s.* a hundred. Here are some vessels laden with sugar and durst not stir for fear of the privateers. About 14 days past a privateer cut a brigantine out of the Road at St. Christopher's laden with sugar ready to sail belonging to one Richard Clayton, done at

1703.

seaven of the clock in the morning, you may guess how sawcey they are grown. One 4th rate, one 5th, two sixth would secure our trade and starve them. *Copy.* 1 *p.* [*C.O.* 184, 1. *No.* 1.]

June 25. **850.** William Popple to Sir Simon Harcourt, Solicitor General. The Council of Trade and Plantations desire you to return the Book of Laws of Maryland past in July, 1699, and to give them your opinion in point of Law upon four parcels of Acts of the Bermuda Islands here enclosed, *enumerated etc.* [*C.O.* 38, 5. *pp.* 397–400.]

June 25. Whitehall. **851.** Journal of Council of Trade and Plantations. Upon consideration of the state of the Maryland Laws, ordered that the Secretary do send to Mr. Sollicitor General for the volume entituled *Laws made in July, 1699*, now in his hands, in order to their Lordships considering more particularly the *Act ascertaining the Laws of that Province*, together with the proceedings made thereupon.

Ordered that the Acts of the Bermuda Islands, lately read at the Board, be sent to Mr. Sollicitor General for his opinion thereupon in point of Law.

Upon consideration of the draft of a Report concerning the rates of foreign coin in the Plantations, their Lordships gave directions for some alterations to be made therein.

Ordered that a draught of Instructions be prepared for Lt. Gov. Handasyd to the [*same*] effect as those prepared some time since for the Earl of Peterborough, when his Lordship was intended to have been Governor in Chief of that Island. [*C.O.* 391, 16. *pp.* 166, 167 ; *and* 391, 97. *pp.* 469, 470.]

June 28. **852.** Journal of Assembly of Jamaica. Thomas Bryan, attending in custody of the Messenger, his excuses were admitted, and he was discharged on paying his fees.

See Minutes of Council in Assembly June 17 *and* 29.

Upon the Governor's reply to the answer of the House (June 17), Resolved, that the House have done their duty in relation to the quartering the soldiers and providing for the recruits, and being willing to go forward with the business that lies before the House, are content to pass by that matter without any further debate.

Ordered that the Commissioners at Kingston attend the House to-morrow.

Committees appointed to bring in Bills, for the better collecting H.M. Quit-rents, for encouraging privateers and preventing damages in the Plantations.

Voted, that the fund for encouraging the importation of white servants be laid on the additional duty. [*C.O.* 140, 7. *pp.* 42, 43.]

June 29. Whitehall. **853.** William Popple to Mr. Attorney General. Upon receipt of a letter from Governor Nicholson, signifying that an Attorney General is much wanted for H.M. service in that Province, the Council of Trade and Plantations desire you to nominate to them some fit person whom they may recommend to H.M. for that employment. [*C.O.* 5, 1360. *p.* 396.]

1703.
June 29.
Whitehall.

854. Journal of Council of Trade and Plantations. The Book of Maryland Acts past in 1699 being received back from Mr. Sollicitor General, the Act *for ascertaining the Laws of that Province*, together with the proceedings made thereupon by this Board, were read Ordered that Col. Blakiston and Col. Seymour have notice to attend the Board on Friday.

Upon consideration of Col. Nicholson's letter, March 13, ordered that the Secretary write to Mr. Attorney General *as preceding*.

The Collection of the Laws of New Hampshire, received from Col. Dudley (July 23, 1702) were laid before the Board, and some entrance made into the consideration thereof.

June 30. Laws of New Hampshire further considered. [*C.O.* 391, 16. *pp.* 167–169; *and* 391, 97. *pp.* 473–477.]

June 29.

855. Minutes of Council of Jamaica. A letter was written to Admiral Graydon upon occasion of his impressing men without leave (*see* June 23), inclosing a list of them, with depositions, and praying for their immediate discharge. "You may alledge that several of them are seafaring men, but how can an Island of so great extent as this exist subsist, hold correspondence with the several parts or the planters' goods be carried to market without such men, and besides they are the most necessary and useful men for the safety and defence of an Island," *etc., etc.*

A letter from King William, April 14, 1701, relating to the Commission for trying pirates was entered in the Council Book. [*C.O.* 140, 6. *pp.* 146–148.]

June 29.

856. Minutes of Council in Assembly of Jamaica. Message from the House desiring to know what is become of the Bill appointing Commissioners to enquire into the raising of money in Port Royal.

Bills for dividing the parish of St. Elizabeth; to prevent the incursions of the enemy on the sea-coast; to make valid the will of Antho. Wood: and to confirm an agreement between Olivia Reid, Widow, and Nathaniel Browne and Anna Petronella, his wife; were read the first time. [*C.O.* 140, 6. *p.* 496.]

June 30.
Newport on Rhoad Island.

857. Governor and Company of Rhoad Island and Providence Plantations to the Council of Trade and Plantations. *Acknowledge letters* of Sept. 15, and Nov. 11, 1702.

Refer to Address to H.M. transmitted to the Earl of Nottingham, desiring a remission of their Quota for New York. In obedience to H.M. directions we did appoint a day for public Thanksgiving, wch. was religiously kept and observed with the greatest solemnity as wee was capable of, and at the evening of said day, rejoysing with eluminations and fireing of guns. Wee are not ignorant of the many complaints and informations that are made against us, in order to render us obnoctious and contemtible to your Lordships thereby to incence your Lordships against us to eclips us of those gratious previledges wch. through the Blessing of God and the goodness and clemency of H.M. and her Royal predecessors we have and do injoy. Our humble request is

1703.

therefore unto your Lordships that your Charity may be so far extended towards us as not to harbour or give credit to such informations and complaints so as to pass any determination against us till we can be heard to make our lawfull defence. We should be forever obliged, if you would favor us with the knowledge of such things as hath been suggested and represented against us, that wee might make preparation for our just defence *etc.* By order of the Governor and Company of Rhoad Island *etc.*, West Clarke, Secretary. *Endorsed*, Recd. Dec. 9, 1703, Read March 28, 1704. 2 *pp.* *Enclosed*,

857. i. Abstract of preceding. 1 *p.*

857. ii. Copy of Proclamation for a Day of Thanksgivingg "for the great Mercys and Blessings of God in protecting H.M. and good subjects against the publick Enemy" *etc.* [*C.O.* 5, 1262. *Nos.* 34, 34.i., ii. ; *and* (*without enclosures*) 5, 1290. *pp.* 481–484.]

June 30.
Philadelphia.

858. Col. Quary and others to the Council of Trade and Plantations. Wee thought it our duty to acquaint your Lordships that, on the death of Col. Hamilton, the Government of the Province of Pennsylvania did devolve in the Councill (consisting of eight Quakers and two others) or any five of them, by vertue of a Commission left by Mr. Penn, a copy of which wee have here inclosed, they did immediately take on them to execute the power of Government without taking notice of the Commissioners appointed under the Great Seale of England to qualify all such as shall take on them the Government of the Province, at last they were pleased to summon us, and accordingly wee appeared at their Councill Board yesterday, the Dedimus lay on the table, which they had by force kept from us ever since it came into the country, and found ways to answer their own turne without making use of the Commissioners; of which injustice we have formerly complained to your Lordship[*s*]. We desired to have the Dedimus put into our hands, that wee might pay all obedience to it, some of us never having seen it before, which they refused to do; after much time spent on this debate, they were pleased at last to let us have it, about halfe an hour's time to peruse it, which accordingly wee did, and then told them that in obedience to those Letters Patent under the Great Seale of England, requiring and empowering us to administer the oath therein contained for the due observation of the several Acts of Parliament therein mentioned, that wee were ready to doe our duty, and did hope that they would doe theirs by quallifying themselvs as the Law directed; they told us that they could not or would not take the oath, to which wee replyed that it was not in our power to make any alterations since nothing was left to discretion, the very words of the oath being sett down at the foot of the Dedimus, that wee were required to administer. After much time spent, not worth entertaining your Lordships with, wee took our leave of them, what they will doe know not, they have adjourned all their Courts for a considerable time, so that there is a full stop to the course of justice and very much ruins trade,

1703.

there being severall vessells to be registred which for want of being quallifyed they can not doe, and yet notwithstanding all this, that they can no ways answer the end of Government, they are resolv'd with ye Dogg in the manger. Nor do they in the least doubt but that Mr. Penn's interest will find means to dispense with all obligations of Law in their favour. Your Lordships will find that Mr. Penn hath worded his Commission according to his usual talent of cunning, he gives them all the power of Government for the three Lower Counties that is granted to him by his Letters Patent, which hee very well knows is nothing, they being not so much as mentioned, so that those Countys are without the least couler of Government, which obliges us to mind your Lordships, that some speedy care ought to be taken for the government and protection of that country, especially now in time of warr, that being ye frontier to the sea and very much exposed; besides the incouragement and preservation of this place, is of much greater advantage to the Crown than the Province of Pennsylvania. All the tobacco that is shipp'd off from this Bay is all produced out of the three Lower Counties, and with encouragement in a little time it will be of great value to H.M. revenue. *Signed*, Robert Quary, J. Moore, Richd. Halliwell, Jasper Yeates. *Endorsed*, Recd. 5th, Read 8th Oct., 1703. *Addressed. Sealed. Penny-Post Mark.* 2 *pp.* [*C.O.* 5, 1262. *No.* 32; *and* 5, 1290. *pp.* 367–371.]

June 30. **859.** Duplicate of preceding. [*C.O.* 5, 1262. *No.* 32.i.]

June 30. New York. **860.** Governor Lord Cornbury to the Council of Trade and Plantations. *Refers to a letter, not received, dispatched by a small sloop bound for Bristol, June 1st.* I did then acquaint your Lordshipp that Col. Nicholson had been here, at his going from hence I perceived that one of his chief reasons of his coming at that time was the refusal that the Assembly of Virginia had given him of raising the Quota of money. So Col. Nicholson came to this place, and finding the condition of this Province much worse than he would have believed it, he gave me three Bills of Exchange of 900*l.* each upon Mr. Perry and Lane, and told me he would advise them of it. I received the Bills, but withall told him that I would send them over to my Agent, Mr. Thrale, with directions to lay them before your Lordshipps, and that I would make it my request to you that the Queen might be moved to allow the said summe out of her quit-rents of Virginia, of which Col. Nicholson hath a great summe now in bank in his hands. If H.M. is not pleased to allow of what is proposed, I have ordered Mr. Thrale to cancel the Bills in presence of Mr. Perry and Lane. I have writ to all the neighbouring Colonys who were appointed by his late Majesty to furnish their Quota. The Assembly of Maryland have consented to raise 300*l.*, whereas their quota is 650*l.*; the Province of Pensylvania have absolutely refused to raise anything; the Province of Connecticott have acknowledged the receipt of my letter, and say that an Assembly has been called upon the

1703.

subject thereof, but are come to a resolution not to raise any money till they have applyed to the Queen and received H.M. answer; the Governor of Rhode Island has likewise sent me an answer to mine, his letter is full of protestations of loyalty and fidelity to the Crowne, but no money, their pretence is, that they shall be at very great charges in fortfying their Island, tho' at the same time everybody that knows that place is sencible that [it] is not possible to fortify it, without laying out ten times more than the Island is worth, because it is easy for any body to land in every part of it. Thus your Lordshipps may see how little help we are like to have from our neighbours upon this Continent with respect to money. I am afraid if we should be obliged to call upon them for their Quota of men, we should have as unwelcome answers as we had about the money. I am well satisfyed that this vast Continent, which might be made very usefull to England, if right measures were taken, will never be so till all the Proprietary and Charter Governments are brought under the Crowne.

The General Assembly did last fall give the summe of 1,800*l.* for the maintaining of 150 fuzaliers and 30 men as scouts with their proper officers for a certain time limited in the Act, this service hath been performed, which hath kept us so quiet that no attempts has been made by the French or their Indians on our side all the last winter. I have kept spies abroad ever since the beginning of May and shall continue to do so all this summer, by which means I hope to be informed of any designe the French may have against these parts. Two of these spies came in about a month agoe and acquainted me, that a party of French and some Indians were preparing to go upon an expedition against the Eastern parts of New England. I immediately wrote to Colonel Dudley to acquaint him with it, upon which he went to the Eastward, to put things in the best posture of defence he can; I have two more of those spies come in some few days agoe, who inform me that there has been a very great mortality against the people of Canada occasioned by the small-pox, which has carryed off some hundreds of people; and that the French of Canada were in great apprehentions about five weeks agoe, having heard that a squadron of English men of warr was to come into the River of St. Lawrence, upon which they drew all their strength downe to Quebeck, so that if we had had force sufficient, it would have been very easy to have destroyed Montreall, they have since been informed that the squadron they had heard of was gone to the West Indies, so their people are returned to their habitations about Montreall, and other places thereabouts. I am still of opinion that it is no difficult matter to drive the French out of Canada, and that by the methods I proposed Sept. 29 last. I am more than ever of opinion that ye charge of yt. expedition would soon be reimbursed not only by the customes of the peltry trade, but likewise by saving considerable summes of money that are yearley layd out in presents for the Indians to keep them firme to us, without which it is not to be done. In October last I received a letter from

1703.

my Lord Nottingham directing me to order the *Jersey* to convoy some vessells of provisions to the West Indies, which were to be provided by Col. Quary; it is true (some ice having appeared in the River) the shipp was layd up for all winter in a plaice called Kipps Bay, which is the usual place for any of the Queen's shipps to lay up in, in winter for fear of the ice, which drives down here in winter with great fury; however, in obedience to his Lordshipp's commands, I sent for Mr. Rogers, who by being first Lieutenant came to the command of the ship upon the death of Capt. Stapleton. I told what orders I had received, and directed him to make all the hast he could to fit the ship for sailing, as soon as I should hear from Col. Quary that his vessels were ready; two days after that, Col. Quary came to town, Mr. Rogers waited upon him and told him how inconvenient it would be to fitt out the ship at that time of the year, so Col. Quary desired me that the ship might be ready by March 28, that being the time that Mr. Rogers had promised to be ready, I promised Col. Quary I would take all the care I could, and accordingly I told Mr. Rogers he must take care to have the *Jersey* ready to sail by March 28 at farthest, wind and weather permitting, he promised me he would, and on Jan. 12 I gave him a press warrant to press seamen at ye east end of Long Island and in other parts of this Province, being willing to spare this City as much as possible, because it had suffered so much by the sickness last summer; he complained at that time that he want 40 men of his complement, and indeed I doe not wonder at it, for he used his men so ill, that none would stay with him, but those that could not help it. he sent a Lieutenant out with the warrant I gave him, having hired a sloop for that purpose for a month, but instead of returning in a month, he stayed out near two and brought but sixteen men with him, during which time, by the negligence of the said Mr. Rogers several men deserted from the ship, so that he has had from this place upwards of fourescore men. I prest him every day to saile, but he still pretended he wanted men, till at last I was informed by one of the officers of the ship, that they had had their complement above three weeks, then I commanded him to saile immediately, but he was detained by contrary winds at Sandy-hook about eight days, that gentleman has not behaved himself well here, and really if there is not some care taken to put the Captain's of the Queen's ships under some regulations, and that the Governors of these Provinces may be informed how to proceed with them, they will often create great inconveniencys in these parts, for they look upon themselves to be under no command and so do what they please. The General Assembly of this Province have met according to the adjournment, and have past several Acts, and attempted several others, which I did not think proper to consent to, the Acts are transcribed to send to your Lordshipps, I shall send them by the next ship, and shall then give you an account of those I rejected, and of some other proceedings. I herewith send two Addresses to H.M., which I intreat your Lordshipps will please to lay before the Queen; I likewise send

1703.

two Quarterly Accounts. I take the liberty to send your Lordshipps the Laws of Connecticot and with them a Booke writ by one Mr. Buckley, who is an inhabitant of Connecticott, by that you will be informed of the methods of proceeding in that Colony, I did intend likewise to have sent you the Laws of Pensylvania and Rhode Island, but I have not yet received them, I hope I may get them by the time the next ship sailes. *Signed*, Cornbury. *Endorsed*, Recd. Dec. 9, 1703. Read Feb. 21, 170$\frac{3}{4}$. 5 *pp.* *Enclosed*,

860. i. Abstract of preceding. $1\frac{1}{2}$ *pp.* [*C.O.* 5, 1048. *Nos.* 60, 60.i.; *and* (*without abstract*) 5, 1120. *pp.* 55–64.]

June 30. New York. **861.** Governor Lord Cornbury to the Council of Trade and Plantations. I think myself obliged always to give your Lordships an account of this Province, both with respect to its owne circumstances, and with respect to the neighbouring Provinces, by some of which we suffer very much; and first as to the Fortifications of this Province. Since my letter of Sept. 24, I have begun a stone Fort at Albany, upon wch. I have laid out the remainder of the 200*l*. wch. Mr. Romer had received from Capt. Nanfan, and have provided materials to the value of 500*l*. more currant money of this Province, for which summe I had drawn a Bill upon the Treasury according to the directions formerly sent to my Lord Bellomont (wch. Bill is since come back protested), and I am now going this summer to lay out the 500*l*. sterling, wch. I received of my Lady Bellomont just before her departure from hence, and wch. had been sent to my Lord Bellomont by the late King to be applied towards the building a Fort at Onondage, and that is all the money I have yet received towards the carrying on that necessary worck, and without which this Province can never be safe, as long as the French are possest of Canada; I have by the advice of H.M. Councill for this Province repaired as well as possible ye stockaded Fort at Schennectady and built three new stockaded Forts, one att the half moone, an other att Nestagione, and another at Schachook, wch. is the chief habitation of the River Indians, these three last have cost almost 80*l*. this country money; there is an other to be built at a place called Saractoga, wch. is the northermost settlement we have, there are but few families there yett, and those will desert their habitations, if they are not protected, and the charge will be but small, and will give great satisfaction to the Indians. There is lately come to this place one Laurence Hidding, a Dutch man, an Inhabitant of this city, who last year was taken by the French before the warr was declared, on board a sloop belonging to this port, and going to the West Indies this man makes oath that being carried a prisoner into the Havana, he heard M. d'Hiberville say that in his return home from Meschasippi he had been at New York, and had sounded all the parts of the port, and was able to carry any ship in without the help of a Pilot, that he had acquainted the King his Master with it, and had undertaken to destroy this place, if he might have four fourth-rate Frigatts and two Bomb ketches. I had proposed to the Assembly to consider of raising a summe sufficient for the erecting two stone batteries at a place called ye Narrows, where the sea is not quite a mile Broad, no ship can come to this city without coming to that place, consequently that well deffended, this port is safe. The Assembly were so sensible of this truth, that they have passed an Act for granting to H.M. 1,500*l.* towards that purpose. I had laid before them an estimate which amounted to 2,025*l.*, current money; I doe believe yt they would have been prevailed wth. to have given ye whole summe desired at once, had ye Province been in a condition to raise it, but realy they are not. The money that is granted shall be laid out forthwith to ye uses for wch. it was given. I hope to gett one of the Batteries up this summer.

I send you an inventory of such stores as we have remaining in the Fort here, by wch. you will see in how ill a condition we are to undertake anything against an enemy. I hope by your representations we shall be supplied from England, for really if any occasion should happen that might require the speedy arming two or three hundred men, it is impossible for us to do it. I have sent directions for Mr. Thrale to send us swords, for we have none, the Militia is brought into some method. I have seen the Regiment of Foot of this City. and the troop of horse, and have ordered the severall Captains to draw out the severall companys to exercise, wch. they have done, the Militia of the County of Albany are in very good order, that of Ulster begins to come into order again, that of King's County and that of Queen's County are beginning likewise to handle their arms again. Suffolk County, Richmond County and West Chester County, I have not yett seen, but intend, God willing, to see them all this summer, and then shall be able to give your Lopps. a full account of this Province with relation to the Militia. I did intend to have sent you by this conveyance an account of the number of the inhabitants of this Province, butt the Sheriffs have been so backward in their duty, that I have yett but five countys, so I still want five countys, but am promised I shall have them in four days time, so I shall send them to your Lordps. by an other ship, wch. will saile in ten days. In the meantime I herewith send you a list of all the officers of the Civill Government, and of the militia of this Province.

Now, my Lords, that I may rightly inform you of the misfortunes we labour under, with relation to the neighbouring Provinces, I must begin with Connecticutt, and first I must observe the coast of Connecticut is opposite to two third of Long Island, by wch. mean they fill all yt part of ye Island wth. European goods, cheaper then our Merchants can, because ours pay dutys and those of Connecticut payes none, nor will they be subject to ye laws of trade, nor to ye Acts of Navigation, by wch. mean there has for some time been no trade between ye City of New York and ye East End of Long Island, from whence the greatest quantity of whale oyle comes, and indeed ye people of ye East end of Long Island are not very willing to be

1703.

persuaded to believe that they belong to this Province, they are full of ye New England principles, they choose rather to trade with ye People of Boston, Connecticut and Rhode Island, than with ye People of New York. I hope in a short time I shall bring them to a better temper, but in the meantime the trade of this city suffers very much, and other very great inconveniency we labour under is with respect to our soldiers, seamen and servants, both white and black. If a soldier of the Garrison or a seaman from any of the Queen's ships of warr has a mind to desert, it is but going into Connecticut and he is safe, and if an officer is sent after ye deserter and finds him there, ye first is protected and the officer affronted and abused, and of this there are severall instances to be given, and particularly when Capt. Mathews was sent after two deserters wch. he found att Stamford in a house, and sending to Major Solich for his assistance to secure them, he being a J.P. in that country, the Major came to the house and kept Mathews in a roome while the souldiers made their escapes, and thus it is on all occasions, att Rhode Island it is ye same. Several men belonging to the *Jersey* deserted and went to Rhode Island, and some to the East end of Long Island. One of the lieutenants was sent in a small sloop to try if he could gett any of them. I gave him a warrant to press those he should find att ye East end of Long Island, and I gave him a letter to ye Governor of Rhode Island to intreat him to assist the lieutenant in getting any of the men yt had deserted from any of ye Queen's ships, and particularly from the *Jersey*. The Lieut. went and did gett some men att ye East end of Long Island, but when he came to Rhode Island, he went to the Governor and delivered him my letter, who att first told him yt. he would do anything to serve ye Queen yt. lay in his power, but yt. he knew of no such men there. Ye Lieutenant told him yt. att his landing he had seen severall yt. he knew to be deserters, and had entered themselves on Board a Privateer that was then fitting out from yt. Port, ye Governor told he was very sorry it was so, but since they had entred themselves he would not disoblige his neighbours, and in short dismist him without letting him have one man tho' att ye sametime there was then above thirty deserters from ye Queen's ships there, these are ye only two Provinces we suffer by to the Eastward of us, in New England Coll. Dudley and Coll. Povey have been very carefull in stoping all deserters yt. goe yt. waye, and within this fortnight they have seized six soldiers who had deserted from Albany this spring, on ye other side to ye Westward of us, we had ye same ill accidents attended us till ye Government of New Jersey was surrendered to ye Queen, for it was but crossing Hudsons river and they were in jersey as safe as could be, but that is now att an end, so yt. if our deserters will go yt. waye, they must either go into Pensilvania or Carolina, for if they go into Maryland or Virginia, we are sure of having them.

These Provinces will never be so usefull to England as they may be till they are brought under the Queen's immediate Government, then ye rule will be the same, and the severall governments upon this vast Continent will be able to assist each other as ye Queen shall please to command. I thinck likewise it would be of great use if ye coin that is current in this part of ye world was put upon ye same foot in all these colonys, many inconveniencies happen for want of such a regulation, and particularly to this Province, for example a piece of eight weighing seventeen penywheight goes for 6*s*. 9*d*. in this place, but at Philadelphia for 7*s*. 6*d*.; so that no heavy money is to [*be*] found here. I am persuaded ye neighbouring colonies wch. by H.M. command ought to contribute towards ye fortifying ye northern frontieres of this Colony will never be brought to do it, unless some effectual way may be found to compell them to it, whether your Lordships will thinck a short Act of Parliament to be passed in England may be a proper way, I shall submit to your better judgements, but I cannot help to acequaint your Lopps. yt. all these colonys are possessed wth. an opinion that their Genll. Assembleys ought to have all ye same powers yt. a House of Commons of England has, nay in this Province, where I must do them the justice to say there are very many good men among the English Inhabitants of this place, many among ye French and some among ye Dutch, yett there were some people who did endeavour to prevaile wth. ye Assembly to offer at some things wch. would have been great encroachments upon ye Prerogative of the Crown, but they soon desisted, and proceeded upon ye matters before them. *Signed*, Cornbury. *Endorsed*, Recd. Dec. 9, 1703. Read Feb. 21, 170¾. 2½ *pp*. *Enclosed*,

861. i. Abstract of preceding. 1⅓ *pp*. [*C.O.* 5, 1048. *Nos*. 59, 59.i.; *and* (*without abstract*) 5, 1120. *pp*. 44–54.]

June 30. **862.** Journal of Assembly of Jamaica. Bill for regulating Elections, read the first time, and recommitted, and read again. [*C.O.* 140, 7. *p*. 43.]

June 30. **863.** Minutes of Council in Assembly of the Massachusetts Bay. The Lieut.-Governor (Thomas Povey) received an express from H.E., dated at Casco Bay, June 27, intimating that he is necessarily detained there, the Indians not coming in so soon as he expected, and that he wanted the assistance of the Gentlemen of the Council and the Speaker of the Representatives, and could not dismiss them at present; directing his Honour to send for the Representatives and to intimate to them to proceed to the settlement of the apportioning of the tax granted October last, and that he hoped to see them in 10 days. H.E. communicated the above message to the House. [*C.O.* 5, 789. *pp*. 834, 835.]

July 1. Whitehall. **864.** Journal of Council of Trade and Plantations. Mr. Penn attending, his proposals were read. Their Lordships thereupon observing to him that his reserving to himself (in the 5th article) the right of nominating two or more persons to the Queen out of which H.M. might chuse a Governor, was in effect reserving stil the Government in his own power, under the pretence of

1703.

resigning it, he answered that the peculiar circumstances of the people of that country made it necessary for him to insist upon such special savings to secure their civil as well as religious rights, against the hardships that may be put upon them by a future Governor; but desired some time to consider of it, and promised to draw up a scheme of such other proposals, as may serve in lieu of this for the nomination of a Governor. It was also observed to him, that his second article, for confirming Laws, was rather a taking away from H.M. the power she has already than granting anything that she had not before. The generality also of the 7th article, relating to rights, priviledges etc., was taken notice of, as requiring more particular explanation, divers other objections were likewise made, that he might consider thereof, before the Board enter into the consideration of the sum demanded by him for this surrender.

July 2. Letter from Mr. Penn, [July 2], read. Ordered that the Secretary do acquaint him that it is requisite he make his first application in this matter to H.M., as he did formerly for her approbation of Col. Hamilton.

Letter from Mr. Thurston read.

Draught of Instructions for Lt. Gov. Handasyd approved. [*C.O.* 391, 16. *pp.* 170–173; *and* 391, 97. *pp.* 481–485.]

July 1. **865.** Journal of Assembly of Jamaica. Bill for regulating Elections of Assemblymen read the second time.

Bill for repairing the Highways read and recommitted.

July 2. Capt. Thos. Freeman, not attending the service of the House, was sent for in custody of the Messenger.

Bill for encouragement of privateers read the first and second times.

William Vassall granted leave to repair home on extraordinary occasions.

July 3. The House attending, the Governor communicated to them the Queen's Letter about Governor's presents (April 20), and an extract of a Letter from the Council of Trade and Plantations relating to the resetling of Port Royal.

Bill for the better collecting H.M. Quit-rents read and committed.

And see Minutes of Council in Assembly under date.

Capt. Long not attending was censured. [*C.O.* 140, 7. *pp.* 43–45.]

July 2. **866.** Attorney General to the Council of Trade and Plantations. In reply to Mr. Popple's letter of June 1st, I am of opinion that H.M. may by her royall proclamation make foreign coynes currant money at such rates as she shall think fitt in any of her Plantations in America as well under Proprieties as under H.M. immediate Government, so far as doth not contradict any Law confirmed by the Crown, and for that purpose it will be necessary to revoke the Act passed in Pensilvania mentioned in the letter, that being a perpetual Law. *Signed,* Edw. Northey. *Endorsed*, Recd. July 3, Read 6 July, 1703. ¾ *p.* *Enclosed*,

866. i. Copy of letter referred to in preceding. 1½ *pp.* [*C.O.* 323, 5. *Nos.* 17, 17.i.; *and* 324, 8. *pp.* 256, 257.]

July 2. **867.** J. Thurston to William Popple. The money and packet entrusted to H.M.S. *Adventure* for the *Centurion* for Newfoundland was not delivered to her. The Admiralty sent last night for their Commissioner at Plymouth to make good the money when the *Centurion* calls there, etc. *Signed*, J. Thurston. *Endorsed*, Recd. Read July 2, 1703. 1¾ *pp.* [*C.O.* 194, 2. *No.* 128.]

July 2. **868.** Sir E. Northey to the Council of Trade and Plantations. Recommends Stephens Thompson, eldest son of Sir William Thomson, Serjeant at Law, as a fitt person to serve H.M. as Attorney General in Virginia. He was educated first at the University and after in the study of the Law in the Middle Temple, where he is fifteen years standing. *Signed*, E. Northey. ¾ *p.* *Enclosed*,

868. i. Certificate of character of Stephens Thomson. Ten signatures. *Endorsed*, Recd. 3rd, Read July 6, 1703. ¾ *p.* [*C.O.* 5, 1313. *Nos.* 22, 22.i.; *and* 5, 1360. *pp.* 397, 398.]

July 2. 2^{d} $\frac{m}{5}$ (July). **869.** William Penn to the Council of Trade and Plantations. Honble. Friends. Being informed by a letter from New York, of the 3rd of the month called May, of the Death of Coll. Hamilton, and well knowing the importance of it to the Publick, that his place be supplyed forthwith, I humbly propose to the Bord to recommend to the Queen's approbation, Col. Wm. Markham or Capt. John Finney—tho' it were but for the same time, that no obstruction to business of any sort may be suffered by the Inhabitants of ye Province of Pennsylvania and Territorys for want of a quallifyed Person to officiate in that station for the Queen's service. I begg wt. dispatch possible, because we have an opertunity just now by a Newenglander bound away wth. ye first opertunity. *Signed*, Wm. Penn. *Endorsed*, Recd Read July 2, 1703. *Holograph.* 1½ *pp.* [*C.O.* 5, 1262. *No.* 35.]

July 2. St. Jago de la Vega. **870.** Minutes of Council of Jamaica. Letter from H.M. relating to Governors' presents, April 20, read and entered in the Council Book. The Governor likewise communicated to the Council two letters from the Council of Trade and Plantations. The Council advised him to communicate that part of one of them relating to the Port Royal Act to the Assembly, as also H.M. letter. [*C.O.* 140, 6. *pp.* 148–150.]

July 2. **871.** Minutes of Council in Assembly of the Massachusetts Bay. His Honour sent a message to the Representatives to know if that House had anything to offer to the Council, who returned answer they had nothing ready. [*C.O.* 5, 789. *p.* 835.]

1703.

July 3. Spithead. **872.** Mr. Usher to the Council of Trade and Plantations. I thought it my duty to acquaint your Lordships, the summer being soe far advanced, Nffoundland coaste being more dangerous then all the restt of the voiage, and our Comadore being bound thither, by reason of which a question whether may gett to N. Engld. this year *etc.* I humbly beg leave to offer that the province of N. Hampshire is the Queen's immediate Government, the onely place for suplying with Navall Stores the frontier strong place agtt. the French and Indian enemy; that any of H.M. ships whose station may be apointed for New Engld. the place of her station may be N. Hampshire by itt may be a damp to our Indian enemy and security to ytt. place *etc.* *Signed,* John Usher. *Endorsed,* Recd. 5th, Read July 6, 1703. *Addressed. Sealed. Postmark.* 1 *p.* [*C.O.* 5, 863. *No.* 41.]

July 3. **873.** Minutes of Council in Assembly of Jamaica. [*See* Minutes of Council, July 2.]

Acts, for dividing the parish of St. Elizabeth with two distinct parishes, for the ease of the inhabitants; and to prevent the incursions of the enemy on the sea coast, were read the second time, and committed.

Acts, for making valid the will of Antho. Wood; and confirming an agreement between Olivia Read, and Nathaniel Browne, and Anna Petronella, read the second time.

Joint-Committee appointed to consider the best manner of dating the Acts to be past for the future. [*C.O.* 140, 6. *pp.* 497, 498.]

July 5. St. Jago de la Vega. **874.** Lt. Governor Handasyd to the Council of Trade and Plantations. I received your letter of April 20 touching complaints made of great delays and undue proceedings in the Courts of Justice in the Plantations, which I have communicated to the Council here, who being Gentlemen of the best knowledge and experience in the affairs of this Island unanimously assure me that they have never heard that any occasion hath been given for such complaints in any of the Courts of Judicature in this Island, soe that the occasion of your Lordships' Circular Letter hath been given in some other of them. For that here by the Acts of the Island that regulate proceedings in Law Suites etc. (which have been always duly observed) the course and proceedings in causes to issue and judgement are much more expeditious and less chargeable (even) then in England. For actions of debt, contract, etc. are usually determined the first Court; those of account must stay two for return of Auditors, and those in ejectment most commonly are ended the first Court, but rarely exceed two Courts, for their determination. As to a Special Court for determining small causes, there is noe want of that here, for besides the Supreme Court, every parrish or precinct has a Court which has jurisdiction in all causes not exceeding 20*l.*, and in all causes not exceeding 40*s.* a Justice of the Peace has power to hear and immediately to determine, as likewise in all cases between Masters and their servants. And for the encouragement of importers of servants, a J.P. has power to order to the importer (on his disposal of his servants) immediate payment be the summe what it will. And as to the account required by your Lordships (with submission) wee apprehend 'tis hardly practicable. For to send an account of every cause at length, with all the proces and pleadings incident to them, would be a thing of great charge, difficulty and trouble, more then the officers of the Courts can bear, their gains being small, most espetially in the petty Courts, where they cannot subsist without other dependencies, and to send the names of plaintiffs and defendants and sort of action only, would be of little or no use. But if any complaints have been or shall be made of any failure in any the Courts of Judicature here, and the same be signifyed hither, it is most fitt, and all due care shall be taken to give your Lordships from time to time, as there shall be occasion, a full and just account thereof. *Signed*, Tho. Handasyd. *Endorsed*, Recd. Aug. 21, Read Sept. 9, 1703. 2½ *pp.* [*C.O.* 137, 5. *No.* 108; *and* 138, 11. *pp.* 12–14.]

July 5. **875.** Minutes of Council in Assembly of the Massachusetts Bay. Adjourned till July 8. [*C.O.* 5, 789. *p.* 835.]

July 6. Williamsburgh. **876.** Mr. Jenings to the Council of Trade and Plantations. My last of June 7 was by the *Richard and James*. The 11th of that month H.E. returned in health from New York. H.M.S. *Falmouth* and *York* arrived here of the past month from Jamaica, and hath now under their convoy between 50 and 60 loaden merchant ships, by whom your Lordships I hope will safely receive the Journalls of Assembly and Councill since the sayling of the *Southampton* to this time, which are all the stay of the convoy will permit to send. H.E. was pleased to give me directions to revise the Laws and prepare a transcript of such of them as are in force to be layd before your Lordships, tho' it might have been much better performed by such to whose province it more properly belongs, yet hope it will answer your Lordships' commands and the intended use. The Laws agreed on by the Committee appointed by the Assembly were reported, and the Burgesses pressing to proceed, but being not to be perswaded that New York is a barrier or of such consequence or in so great necessity to want the assistance of this country, H.E. thought not reasonable to let them proceed on any other business and prorogued them to Oct. 15. The Burgesses have addressed H.M. and laid down their reasons, which they vow to be their real sentiments and not out of prejudice to H.E., as some few have suggested, they prayed H.E.'s assistance that it might receive a favourable acceptance, they were promised to have it presented but not any furtherance, believing it not gratefull to H.M. to have so reasonable commands denyed. I was not wanting to use my interest with the Burgesses, and question not but H.E. will do me the right to vouch my endeavours upon that occasion in the Councill. The Address of the Councill was resolved and agreed on, when I was very much indisposed, and tho' dayly attended (as incumbent) yet was not able to have any further share or part in it then joyning to address H.M. on the success of H.M. Arms and humbly to assure H.M. of the constancy of my services for a complyance with H.M. command, if anything is incerted or worded that may give the least shadow of undutifullness or disrespect, it passed me thro' inadvertency and contrary to my intention, occasioned by my indisposition, and hope will be thought pardonable. My former acquainted your Lordships the great progress that was made in building the Capitoll. The last General Court was held in it and before the next the major part will be compleatly finished, the other part appropriated for the Assembly will be ready that they may there meet, it will contain offices for all publick affairs and believe it to be the most convenient and commendable building in H.M. Dominion in America, a perticular account of which and the charges of building are preparing for your Lordships. The accounts of the Revenue will demonstrate the well management of it, and that the present amount will discharge all to this time which was not expected. I shall not inlarge on this, believing Mr. Auditor will be perticular in it. H.M.S. *Guernsey*, commanded by Captain Simmons, arrived here the 6th instant. On the 16th H.M. Letters Pattents continuing H.E. Governour was published, and H.E. took the oaths appointed and administred them to the Councill then present. H.E. hath given directions for renewing all Commissions, civill and military, and that the late injoyned oaths be administred as the Act of Parliament provides, and lists to be made of them for your Lordships' particular satisfaction. The Justices are likewise required to observe H.M. commands that speedy justice be done to all persons, and the clerks ordered to transmit an abstract of the respective Courts proceedings, to be put in a method proper to lay before your Lordships. All dilligence and dispatch possible shall be used for providing all ready by the return of the *Guernsey*. The Laws prepared by the Committee and those now in force will both be sent your Lordships, which being of moment to H.M. and country, H.E. was pleased to propose sending me to attend H.M. and your Lordships with them, to give your Lordships satisfaction in any particular that may occur to your Lordships on them and the state of the country. I am sensible there are many others more capable to serve H.M. on such an employment, and hope H.E. will cast his thoughts on one more versed in the affairs of the country and maturity of judgement. *Signed*, E. Jennings. *Endorsed*, Recd. Oct. 5, 1703. 5 *pp.* *Enclosed*,

876. i. Abstract of preceding. 1¾ *pp.*

876. ii. Mr. Jenings to the Council of Trade and Plantations. Williamsburgh, March 16. My last letter was by H.M.S. *Centurion;* this is by the *Southampton*, with the journals and proceedings of Assembly and Council. H.E. and Council with great difficulty convinced Capt. Moody of H.M. service and subjects' interest in staying to convoy the merchants ships home, and is hoped will be well approved of by your Lordships, since hee

declared hee could not comply with the Orders of the Lord High Admiral. The Assembly is to meet tomorrow, and am very glad can acquaint your Lordships they are of ye Church of England, and hope will prove well affected for H.M. service. *Signed*, E. Jenings. 1 *p.* [*C.O.* 5, 1313. *Nos.* 24, 24. i., ii.; *and* (*without enclosure*) 5, 1360. *pp.* 429–434.]

[July 6.] **877.** An anonymous Letter, sent by the Penny-Post, containing various charges against Capt. Moody for his conduct in Virginia. *Endorsed*, Recd. Read July 6, 1703. *Addressed. Penny-post-mark.* 2¾ *pp.* [*C.O.* 5, 1313. *No.* 23.]

July 6. **878.** William Penn to the Queen. Andrew Hamilton, my Deputy Governor lately approved of, is since deceased, and apprehending it to be as well for the Queen's service as the Publick Peace and safety, that another should, as speedily as may be, succeed him, and an opportunity to those parts now presenting, Her Petitioner humbly presents John Evans, Gentleman, and prays the Queen's Royal Approbation of him. *Signed*, Wm. Penn. *Subscribed*,

878. i. Whitehall, July 6, 1703. H.M. is graciously pleased to referr this petition to the Council of Trade and Plantations for their opinion thereon. *Signed*, Nottingham. *The whole endorsed*, Recd. Read July 7, 1703. 1 *p.* [*C.O.* 5, 1262. *Nos.* 36, 36. i.; *and* 5, 1290. *pp.* 343, 344.]

July 6. Whitehall. **879.** Journal of Council of Trade and Plantations. Letter from Mr. Attorney General read, recommending Mr Thomson. Directions given for preparing a Representation thereupon.

Mr. Attorney General's letter relating to currency read. Directions given for preparing a Representation thereon.

Anonymous letter, relating to Capt. Moody, ordered to be kept till it may be of any use.

Representation ordered to be prepared wherewith to lay before H.M. the Instructions of the Lt. Gov. of Jamaica.

Order of Council, May 1, read.

Order of Council, June 10, read.

Letter from Mr. Usher of the 5th [? 3rd] inst. read.

Directions given for a Report upon the Order of the Committee of Council, May 27, relating to the method of Appeal.

July 7. Petition from Mr. Penn *etc.* read. Directions given to the Secretary for writing to him.

Representations ordered yesterday signed. [*C.O.* 391, 16. *pp.* 173–177; *and* 391, 97. *pp.* 489–494.]

July 6. **880.** Minutes of Council of Barbados. Col. Tobias Frere granted leave to go to Bermuda for his health.

200*l.* paid towards the wages of the crew of the *Larke*.

H.E. and this Board having been informed that severall persons have lately upon the arrival of some provision ships ingrossed

1703.

and bought up the greatest part of the provision imported, contrary to an Act of this Island, to the great damage and prejudice of the inhabitants, Ordered that the Attorney General prosecute such offenders.

H.E. communicated to the Board the Letter from the Council of Trade and Plantations, Dec. 8, 1702, relating to the admission of appeals here, with enclosed petitions and H.M. Order in Council *etc.*, in order to consider the same with them and thereupon to signify to their Lordships what might be the consequence of any such alteration as has been proposed, and what is the general sense of the Island.

Bill for encouragement of white servants and to ascertain their allowance of provision and cloaths was read the second time and committed.

Supplemental Act to an Act concerning the General Sessions was read a second time and committed.

Petition of Thomas Loftes, John Rogers and all others who keep wherryes was read, praying that they may not be impressed to serve on board any vessel, and that noe negroes might be suffered to ply in wherries, read and dismist, being provided for by an Act of this Island.

Petition of Robt. Egerton, merchant, for a drawback on 13 pipes of Maderia wine turned sower, granted. [*C.O.* 31, 8. *pp.* 52–54.]

July 6. **881.** Journal of Assembly of Barbados. Adjourned till this day sevennight, there being no quorum. [*C.O.* 31, 7. *pp.* 81, 82.]

July 6. **882.** Minutes of Council in Assembly of Jamaica. Message sent up, that the House has agreed to the method of dating Bills agreed upon at the Conference, July 3, and desiring to know what is become of the Port Royall Bill and other the Bills sent up.

Message sent down, in answer to above, that the Council having had no answer to the last message in relation to the Port Royal Bill and the Conferance thereupon desired on June 5, cannot proceed therein without a conference, which they still desire on the subject matter of that Bill, and also upon the Bill for dividing the parish of St. Elizabeth.

Bill to prevent incursions of the enemy on the sea-coast passed with amendments and sent up.

Bill to confirm the agreement of Olivia Reid *etc.* was read a third time and passed.

Bill for making good the will of Anthony Wood was read a third time and passed.

Message sent up: In answer to your Honour's message of June 5, wee can't but insist on the justification of our former proceedings not to admit of any Conferances where the publick funds are to be called to an account and examined, and that which further confirms our opinion is a paragraph in H.M. most gracious Speech to both Houses of Parliament, Oct. 21, 1702, when H.M. applyes herself particularly to the House of Commons, "And that my subjects may the more chearfully bear the necessary taxes, I desire you to inspect the accounts of all the publick receipts and payments. And if there be any abuses or mismanagements, I hope you will detect them, that the offenders may be punisht and others be deterr'd by such examples from the like practices."

As to the Bill for dividing the parish of St. Elizabeth, we are willing to confer with your Honours on the same." Conference appointed accordingly. But, the St. Elizabeth's members being both absent, deferred till their coming to town. [*C.O.* 140, 6. *pp.* 499–501.]

July 6. **883.** Journal of Assembly of Jamaica. *See preceding abstract.*

John Peeke complained that himself, Capt. Charles Long, and other members of this House being yesterday at Kingston and under a necessity to attend the service of this House, could not get any wherrymen to bring 'em, and were forced to take a wherry and row themselves. Resolved that the owner of the wherry, as he stands registered in the Naval Office, be sent for in custody of the Messenger by the Speaker's warrant.

Capt. Thomas Freeman attending in custody, offered some excuse for his non-attendance, which was voted insufficient. The Speaker informed him that for his not complying with the former order of the House by paying his fees, he might remain in custody till he does, and then his present matter to be considered by the House.

Hugh Totterdell, a Member of this House, complained that the Governor sent for him this afternoon to the Queen's House, where after intimating some matters relating to the Provost Marshall's Patent and place, he was pleased to tell him that he, Totterdell, had said some things of him in this House at the reading of the Queen's Letter Saturday last, and that he was a common disturber of the people, and that he, the Governor, would be nosed by no impudent fellow, and that he would come up with him. Totterdell denied that he said anything to the disadvantage of His Honour, and desired to know who had informed him. The Governor replied that it was spoken publicly enough, and that Totterdell might remember the Gentleman that answered him.

Message to H.E. ordered. [*See Minutes of Council in Assembly, July* 8.]

Ordered that Joseph Quelch be sent for in custody of the Messenger for reflecting on the late Act for setling Kingston.

July 7. The House met and adjourned.

July 8. *See Minutes of Council in Assembly under date.*

Bill for encouraging privateers read the third time.

Thomas Bennett said that he sold his wherry [*see* July 6] to Edwd. Taylor three months ago, who acknowledged the buying thereof and neglect of having the mark altered. They were reprimanded and discharged on payment of fees.

The Messenger said that he could not execute the warrant upon Mr. Quelch, because he had absconded. A letter from

Mr. Quelch to the Speaker was read and rejected, and the messenger was ordered to execute his warrant. [*C.O.* 140, 7. *pp.* 55–61.]

July 7.
Whitehall.

884. William Popple to William Penn. The Council of Trade and Plantations, upon the perusal of your Petition that H.M. would be pleased to approve Mr. John Evans as Deputy Governor of Pennsylvania, and your letter to them upon the same subject, have ordered me to acquaint you that the said Evans being wholly unknown to them, they desire you to inform them who he is, of what country, of what profession, whether soldier, merchant, lawyer, etc., what substance, with whatever else you think proper for their information, and more particularly, what security will be given for him, as likewise where he is at present, that they may make such further enquiries concerning him, as they shall find convenient. [*C.O.* 5, 1290. *p.* 345.]

July 7.
St. Jago de la Vega.

885. Governor Handasyd to the Council of Trade and Plantations. Acknowledges letters of March 23 and April 29. As to the Act of Port Royal, if your Lordships are pleased to look over the Minutes of the Council and Assembly, you'l find what reasons has been given for and against it, and for my own part I do not pretend to be such a statesman as to be able to diswade both the Council and Assembly from what you find they were so positively bent upon, but to give you my opinion, which your Lordships have had in a former letter, is that Portroyall was a spot of ground too precarious to be the seat of Trade, being subject to so many accidents, first as from the Enemy as not tenable if prest, 2ndly to fire, for the buildings being so very close, the ground not permitting it otherwise, that the least spark endangers the whole, wch. to our misfortune we have had a wofull demonstration of, 3rdly as to Earthquakes, which wee are too subject to, that one hearty shake would put 3 parts of it, if not the whole, under water, a great part of it being by industry gained from the sea by piles ramm'd down, and so fill'd up with stones, gravel *etc.*, but I thought none so proper to give your Lordships these reasons as H.M. Ingeneer, whom I not only ordered to view the ground and fortifications, but also to give your Lordships a particular account of it, and to show me first his letter before he sent it, which he actually did, and I enclosed in my packet, and nothing can be so great a trouble to me as to receive a check from my Superiors for neglect of duty, when at the same time I labour, and to the utmost use all my endeavours both for the good of H.M. service and the welfare of the Island, and ever since I have been in the Government, I have had nothing but confusion of business, which proceeds wholly from the perverse tempers and disunion of the people, which has and shall be my utmost endeavours to unite and heal, although some of them, who have pretended to be my greatest friends in adviseing me, etc., have I doubt not misrepresented me to your Lordships basely and unge[ne]rously, for findeing they had not interest enough at home to gett a power to Bashaw it over their fellow subjects here, and that I am not the man to be led by the nose by them as my predecessors have been, they use their utmost endeavours to make me as uneasy as may be. However, I having no other end but H.M. service and their welfare (if they would see it), I hope will protect me against all such ungenerous practices. I have also communicated to the Council the copies of the merchants' opinions pro and con, and such a part of it to the Assembly as related to them, as you will see by the Minutes of the Council. As to what you are pleased to mention in relation to severall Acts that you believe were passed at the same time, I desire you will please to look into the Minutes of both Council and Assembly, and you'l find there was none passed but Kingstown Act, and as to severall other things of moment transacted here that your Lordships say you have not had an account of from me, I beg your Lordships' information of them, for I do declare I am a stranger to them ; if 'tis in relation to to my own particular, I do assure your Lordships I am one that never recd. a bribe here nor no where else, and have not recd. one penny of salary or anything else since I have been in the Government but 11*l*. 5*s*. 0*d*., altho' I have been 8 months Lt. Gov., by wch. your Lordships may conclude that this Government is not the mighty matter represented, and that I have enemys somewhere who make it their business to misrepresent all my actions to your Lordships. I have expended 800*l*. of my own money, wch. if I had not brought over with me, I might have starved, as several Gentlemen are like to do, that came along with me in H.M. service here, through the ungrateful and penurious temper of this people, as the petition from the officers of both Regiments here to H.M., and the Act for quartering the soldiers now sent over will demonstrate, in wch. we beg your Lordships' assistance. I here enclosed give your Lordships a particular Answer to yours of April 20, in relation to the Courts of Judicature, by wch. you'l find that the complaints are groundless, for I am satisfied none of H.M. Colonies is better provided with Civil Officers then Jamaica. H.M. Fleet under the command of Vice-Admiral Graydon arrived here on June 5, and sailed 25th ditto. I did all that was in my power to persuade the Assembly now sitting to send them fresh provisions for their sick and wounded men, but could not prevail, however some Gentlemen of the Council with myself sent the Admirall 12 head of cattell with fowles and other fresh provisions to be distributed among them, but could get no more by reason of the dryness of the season that was eatable. Brigadier Colenbine died June 3 in sight of this Island, and had the waves for his last lodging. They have delivered me here 400 men, 120 whereof were of the recruits designed first, the rest being knocked on the head at Guadalupe or lost in the passage, and to compleat the 400, they made a draft of the five Regiments, but such poor, sorry, sick scrubs I never see, most of them haveing neither shoe, stockin, shirt or cravat, and about 200 pieces of iron that had been firelocks, wch. can never be made so again ; a great many of these men having Irish names, and I'm afraid Papists, may be of ill consequence in these parts in case of any attempt from the enemy. The night before the Admiral sailed most of the

1703.

men of warr's boats and crews went ashoare at Portroyall and Kingstown, and under pretence of searching for sailers that had deserted, carried off several of the inhabitants of the Point and Kingstown. A list of those at Point I here send you, wch. has been attested upon oath before 2 Justices of Peace.

'Tis a great discouragement to the inhabitants, and may be the occasion for ought I know of many leaving the Island, when things of this nature are done so contrary to H.M. Instructions. I sent a letter immediately after him to Blewfields where I knew he was to water, in hopes to recover them, but I having had no answer from him makes me believe he was sailed before it reached so far. I here send you a list of the men of warr left here for the defence of the Island, and the Instructions I have given the Commadore as to his stations, wch. I hope will be to your Lordships' satisfaction, but God knows 'tis a sorry force in these parts if our enemys pay us a visit. I send your Lordships also the Minutes of the Council. As to the Minutes of Assembly, I cannot obtain them, they pretending they have not time, but shall send them as soon as I receive them. [? *Here i*]s arrived one Mr. Hoskins with H.M. letters Patent as Attorney General, (*and*) I hope will prove a very good man, as also one Mr. Winter as Clarke of the Chancery and Register of the Patents, who I'm well assured is very well qualified, and likewise one Rowlandson with a Deputation (which I have not as yet seen) for being Provost Marshall. I also have received H.M. Privy Seal, April 20, for the establishment of the salary of the Governor and Lt. Governor of this Island, in which I assure myself your Lordships have been instrumental in advancing my salary, and for which I give your Lordships my hearty thanks, and only shall beg leave to acquaint you that I am more capable of keeping a table suitable to my post in England for 300*l*. *per annum* than here for 1,200*l*. *Signed*, Tho. Handasyd. *P.S.*—The Island is at present sickly, but not attended with mortality. *Endorsed*, Recd. Aug. 21, Read Sept. 9, 1703. 4 *pp.* *Enclosed*,

885. i. Abstract of preceding. 2½ *pp.*

885. ii. Copy of letter sent to Admiral Graydon, referred to in preceding. 1¼ *pp.* *See below* iii.

885. iii. List of the Inhabitants impressed from Port Royal, referred to above :—William Cornish, Saml. New(*n*)ham, James Kelly, Nathaniel Harwood, James Pit(*t*)man, Edward Wood, Isaac Wray, William Rowe, Thomas Knowls, Samuel Mills, Jno. Bill, David Richards, James White, Edward Hilson, Archibald Holmes, Richard Wood. *Endorsed*, Recd. Aug. 31, 1703. 1 *p.*

885. iv. Duplicate of preceding.

885. v. List of ships left by Admiral Graydon to guard Jamaica, with the stations assigned to them. 2 sixth-rates, one fourth-rate, one fifth-rate. *Endorsed*, Recd. Aug. 31, 1703. 1 *p.*

885. vi. Duplicate of preceding. [*C.O.* 137, 5. *Nos.* 109, 109.i.–vi. ; *and* (*without enclosures*) 138, 11. *pp.* 16–24.]

1703.
July 7.

886. Governor Handasyd to the Council of Trade and Plantations. Since the sealing of my letters, the Assembly have vouchsafed to send me the Minutes of their House, after a great deal of bustle, which I here enclose. *Signed.* Tho. Handasyd. *Endorsed,* Recd. Aug. 21, Read Sept. 9, 1703. *Holograph.* ½ *p.* *Enclosed,*

886. i. Memorandum of Minutes of Assembly of Jamaica, May 31—July 3, 1703. ¼ *p.*

886. ii. Memorandum of Minutes of Council in Assembly of Jamaica, June 3—July 3, 1703. ¼ *p.*

886. iii. Memorandum of Minutes of Council of Jamaica, June 5—July 2, 1703. ¼ *p.*

886. iv. Memorandum of an Act for raising money for providing an addition to the subsistence of H.M. officers and soldiers and for other uses, past June 16, 1703. ¼ *p.* [*C.O.* 137, 5. *Nos.* 110, 110.i.–iv.; *and* (*without enclosures*) 138, 11. *p.* 25; *and* (*abstract only*) 137, 41. *pp.* 12–14.]

July 7.
Jamaica.

887. Governor Handasyd to William Popple. Acknowledges letter of March 2. *etc.* The Assembly is now sitting, and has been this three and twenty weeks, and to little purpose. etc. *See preceding. Signed,* Tho. Handasyd. *Endorsed,* Recd. Aug. 21, Read Sept. 9, 1703. 1 *p.* [*C.O.* 137, 5. *No.* 111; *and* 138, 11. *p.* 15.]

July 7.
St. Jago de la Vega.

888. Lt. Gov. Handasyd to the Earl of Nottingham. I had the honour of your Lordship's of Oct. 20 and Jan. 18 by the fleet commanded by Vice-Admiral Graydon. As to the first, I acquainted the Admiral that I would take care to get them credit or anything else that the Island could afford, to which he answered that he should have no occasion. As to the second, in relation to provide them fresh provisions for their sick and wounded men, I proposed it to the Assembly, who is still sitting, but found they would do nothing in the matter, so that I was forced, with 3 or 4 Gentlemen of the Council, to buy up 12 of the best beefs and some fowl and other fresh provisions, and sent them on board the Flag to be disposed of as he thought fitt, and we should very readily have been att the expense, if we could have got more, but the seasons having been for some time very dry, there was scarcely any fresh provision to be got that was fit to eat. I have likewise received for the 2 regiments 400 men, 120 of these that were sent from England or Ireland as recruits, the rest of the 400 being killed or destroyed at Guadalupe, the number was made up with draughts out of the 5 Regiments, but as indifferent men as I have seen, most of them Irish names, and I am afraid a great many of them Papists; they were left us in a miserable condition, many of them being very sickly, and most of them without either shoe, stocking, shirts or cravats. Admiral Graydon arrived at this Island, with the Fleet under his command, June 5, and sailed again June 23; the night before he sailed, several of his officers with their boats' crews came ashore att Kingstown and Port Royall, under pretence of searching for saylors deserted from the Fleet, and took of many of the inhabitants to the great discontent of the inhabiters of the Island in generall, wch. I fear will occasion many of them to leave this place, it being positively against the Instructions of H.M. and H.R.H. I enclose list of the names of the inhabitants taken off, as also a copy of the letter I sent to Adml. Graydon, to a place where I heard he staid to water his Fleet, in hopes to have had the people sent back, but have had no answer to my letter, wch. makes me beleive the Fleet is sailed from thence before my letter reached them. I received H.M. letter of April 20, relating to Governors' salaries, *etc.*, wch. I have communicated to the Council and Assembly. As to my own particular part, I can say I never had the value of 6*d.* from any of the Island since my comeing to the Government, and although H.M. is graciously pleased to make an addition to the pay to keep up the character of the post I am in, any one may keep a better table in England for 300*l.* *per annum* then here for 1,200*l.* However, I shall always make it my study faithfully to endeavour to deserve H.M. favours whilst a drop of blood in my veins, *etc.* As to the muster-rolls for May and June, as soon as the detachments come in who are now at sea on board H.M. ships cruiseing off this Island, H.M. orders shall be duely observed. *Signed*, Tho. Handasyd. *Endorsed*, R. Aug. 21, 1703. 1¾ *pp.* *Enclosed*,

888. i. Weekly list of ships at Jamaica, and their condition. June 28, 1703. 1 *large p.*

888. ii. Names of the Inhabitants impressed from Port Royal and carried away by H.M. ships under command of Admiral Graydon. *Duplicate of above* 885. iii.

888. iii. Lt. Gov. Handasyd to Admiral Graydon. June 29. Upon the great outcry and consternation of the people of this island, especially those useing the sea, and complaint made to us that on Sunday morning last by your Order severall, both seafareing men and landmen, inhabitants of this Island, were imprest and carryed on board H.M. ships under your command, we being sensible what H.M. Instructions are in that case, were much surprized, and appointed two of the Members of this Board and other the Justices att Kingston to inquire into the matter upon oath, who have returned to us the inclosed list of persons imprest belonging to this island, all wch. wee hope you will order to be immediately discharged. You may alledge ('tis true) that severall of them are seafaring men, but how can an Island of soe great extent as this subsist, hold correspondence with the severall parts; or the planters' goods be carryed to markett without such men, and besides they are the most necessary and usefull men for the safety and defence of an Island. H.M. has been graciously pleased to send us two Regiments of soldiers to assist in our defence to her great charge and expence. But if the inhabitants are liable to be imprest and

1703.

hurryed away by the shipps of war, a greate many others for feare of the like treatment will leave us, so H.M. care of and bounty and favour towards us will be rendred ineffectual, and the great expence thereby accrueing wholly lost, and this H.M. Island rendered uncapable to make any effectual opposition to an invadeing enemy (which wee may expect), for the best men in the world may be overpowered by multitudes. We therefore hope you will return the men named, as also those imprest from Liguanea and Kingston, of whom we heare there was a considerable number, but not haveing any account thereof yet from the Justices, wee cannot send you a particular account, but fearing you may sayle before we can get it, wee in the interim send you this. And it is certaine 'tis more for H.M. service they should stay here, both for the service themselves may doe, as also for the settling of the minds of others, who otherwise will remove and leave us, unlesse they find H.M. Instructions that none be imprest from off this Island be better observed. *Signed*, Tho. Handasyd. 1¼ *pp.* [*C.O.* 137, 45. *Nos.* 49, 49. i.–iii.]

July 7. Whitehall. **889.** Council of Trade and Plantations to the Queen. Having received several letters from Governor Nicholson signifying to us that there is great want of an able Attorney General for your Majesties service in Virginia, that it is requisite such Attorney General be obliged to reside at Williamsburgh, the seat of that Government; that the business of that office is of late years much increased, that the antient salary is but 40*l.* *per annum*, and the perquisites few, which are not sufficient incouragements for a person fitly qualified to supply that place; and your Majesties said Governour desiring that some proper person may be sent from hence, and that his salary payable out of your Majesties' revenue there may be augmented to 100*l.* *per annum* out of the said revenue; we have thereupon referr'd to your Majestie's Attorney General here, the naming of a person fit for that employment. And having received his answer, together with a certificate signed by the Lords Cheif Justices of your Majesties Courts of Queens Bench and Common Pleas, and other eminent persons of the Law, in favour of Stephens Thomson, Esq., we humbly take leave to offer that in case your Majesty shall be graciously pleased to appoint the said Thomson for that service, he may be obliged to make his ordinary residence at Williamsbourgh, where your Majesties service will cheifly require his presence, and that the Governour of Virginia be accordingly authorised to constitute him Attorney Generall in that Province, in like manner as the late Earl of Bellomont was authorized to constitute Mr. Broughton, the present Attorney General of New York. And as to the salary for the said officer, we are humbly of opinion that 40*l.* *per annum* cannot suffice, and humbly submitt the

1703.

augmentation thereof to your Majesties pleasure. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 1360. *pp.* 399, 400.]

July 7. Whitehall. **890.** Council of Trade and Plantations to the Committee of Council for hearing Appeals from the Plantations. In obedience to your Lordships' order of May 27, relating to the authority by which the Admiralty Courts in the Plantations are constituted, and the methods of appealing from thence; we humbly report that upon considering the several answers received from H.M. Governours in these parts and otherwise we find that the said Courts are constituted by virtue of Commissions from the Crown, under the Seal of the High Court of Admiralty, for the tryal of Marine Causes, and Causes relating to breaches of the Acts of Trade, pursuant to the late Act *for preventing frauds and regulating abuses in the Plantations*. We likewise find that all Appeals without distinction, as well in Causes Marine as others, did always lye before the King in Councill, as the most easy, expeditious, and less expensive method for the inhabitants of the Plantations concerned in Appeals. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Matt. Prior. [*C.O.* 324, 8. *pp.* 257, 258.]

July 7. Whitehall. **891.** Council of Trade and Plantations to the Queen. Enclosing draft of new Instructions for Lt. Governor Handasyd. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 138, 10. *pp.* 479, 480.]

July 7. Whitehall. **892.** Council of Trade and Plantations to the Queen. Having had under consideration the great inconveniences arising from the different rates at which forreign coins do pass in your Majesties Plantations in America, and particularly upon a complaint that the advancing the rates in Pennsylvania much higher than in other places has drawn away the money from Maryland, and does tend greatly to the prejudice of that Province; and finding accordingly that there is an Act in Pennsylvania *appointing the rate of money or coin within that Province*, whereby peices of eight and dollars of 15 *dwt.* are made currant at 7*s.* per peice, and that for every penny weight under or over, there is to be abated or advanced 4*d.* *p.* peice, so that a peice of eight of 17½ *dwt.* (which is the due weight) is made currant at 7*s.* 10*d.*, tho' the same be not intrinsically worth more than 4*s.* 6*d.*; and having also advised with your Majesties Attorney General, in order to a further report for the remedying this mischeif in all your Majesties Plantations, we humbly offer in the mean time, that your Majesty be pleased to declare your disallowance of the foresaid Act in Pennsylvania, and to direct that neither the Assembly, the Proprietor nor Councill of that Province doe repass the said Act nor make any other Act or Order for the regulating of coin, untill your Majesty shall give further directions therein. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 1290. *pp.* 346, 347.]

1703.
July 8.
[8th 5m
July, 1703.]

893. William Penn to the Council of Trade and Plantations. The gentleman named in my petition to the Queen and letter to you, is a person that has had a liberal education, been abroad and knows the world very well, is sober, discreet and of a good understanding. No merct., and so no temptation that way. No souldier, but hath been in Flanders and observed the discipline of the troops frequently, and penetrates more than I presume our poor Colony wants. He will give unquestionable security as Coll. Hamilton did, and has more than enough to secure them that are his, and is not in debt, but lives like a gentleman upon his estate here. He is a single man, neither voracious nor extravagant, and is a known zealous member of the Church of England, and I presume will be recommended by Gentlemen of undoubted reputation. I am in hopes this may satisfy your inquiry, and the Gent. that gives this for me, being his acquaintance, Chas. Lawton, Esq., may be more perticular if you think it necessary. *Signed*, Wm. Penn. *Endorsed*, Recd. Read July 9, 1703. 1¾ *pp.* [*C.O.* 5, 1262. *No.* 37; *and* 5, 1290. *pp.* 348, 349.]

July 8.
Hampton
Court.

894. Order of Queen in Council. Approving Representation of June 16, and ordering the Earl of Nottingham to cause the said Instructions for Governor Dudley to be prepared for H.M. signature and transmitted to him and Mr. Usher accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read July 22, 1703. ¾ *p.* [*C.O.* 5, 863. *No.* 42; *and* 5, 911. *p.* 96.]

July 8.
Hampton
Court.

895. Order of Queen in Council. Approving Representation of July 7 upon Lieut.-Governor Handasyd's Instruction, and ordering the Earl of Nottingham to prepare them for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read July 22, 1703. ¾ *p.* [*C.O.* 137, 5. *No.* 112; *and* 138, 11. *p.* 1.]

July 8.

896. Minutes of Council of Jamaica. The Governor acquainted the Board that Capt. Forrester, Commander of the *Barbadoes* privateer, had importuned him very much for leave to passe the Forts, but that without giveing security, pretending that he is utterly a stranger here, and can get none. Ordered that he give his own bond not to carry any person off, and thereupon have a special permit; and it was desired by the Board that (in regard of the Law that requires all ships to give security in in the Secretary's Office and the intent thereof to prevent indebted persons from being carried away, and that this Capt. Forrester has, as some of the Board are informed, a design when past the Forts to take in several men from some of the open bays in this Island) the Governor would order one of the men of war to accompany him beyond the Island, to prevent his taking any person off. [*C.O.* 140, 6. *pp.* 151, 152.]

July 8.

897. Minutes of Council in Assembly of Jamaica. Message sent up, desiring a Joint-Committee to be appointed to consider the best method for passing a Body of Laws, persuant to H.M. late Instructions, which was done.

1703.

Message sent up to the Governor :—Hugh Totterdell, a Member of our House, complains that your Honour hath laid several things to his charge, and that he had so behaved himself on reading the Queen's Letter, that your Honour was pleased to tell him that he was a common disturber of the people, and that your Honour would not be soe used by any impudent fellow ; all which heavy imputations wee are altogether ignorant of, and our House extreamly concerned at, and humbly desire that if Mr. Totterdell has expressed himself any way by words or action reflecting on the Government, your Honour will be pleased to disclose the same to the House, and the person who gave the information, that the House may take such measures as may fully satisfy your Honour and doe ourselves justice.

The Governor sent a message in reply, that to the best of his knowledge he never made any complaint against Mr. Totterdell to your House ; when he does he shall not doubt your justice. As to his behaviour in relation to the Government, the most part of it having happened before he was a Member of this House, he will take an opportunity when time serves, to do H.M. and himself justice.

Bill for encouraging privateers and other seafaring men and to prevent impressing sent up.

Col. Beckford reported from the Conference upon the Body of Laws.

July 9. Bill for encouraging privateers and other seafaring men and to prevent impressing read the first time.

July 10. Message sent up from the House, giving their opinion that it will be best to make a new body of Laws, and desiring a free Conference on the same, which was granted. The Council was unanimously of opinion that, being the Island has had about 20 years' experience of the body of Laws without finding any considerable inconvenience in any of them for soe long time, and for other reasons, such things as may want amendment may be best done by a supplemental explanatory Law. [*C.O.* 140, 6. *pp.* 501–504.]

July 8. **898.** Minutes of Council in Assembly of the Massachusetts Bay. Isaac Winslow, elected of the Council for the year ensuing, took the oaths appointed.

H.E. summoned the Representatives to attend and gave them an accompt of his late interview with the Sachems and Eastern Indians in a greater number than had heretofore been seen together at that place ; and the success of his Conference with them, probable to continue a present peace and quiet, notwithstanding the unwearied endeavours of the Priests and Jesuits to debauch and instigate them to a breach. And directed that the present necessary business of the Court be brought forward with all application, the occasions of the husbandry being urgent at this season.

The House sent up a message of thanks to H.E. for his care and pains in his late Conference with the Sachems and Eastern

1703.

Indians, and prayed that the House might have the sight of the Journal of the particulars thereof.

Ordered, that all causes in civil actions tried in the Inferior Court of Common Pleas within the County of Hampshire in 1701, 1702, hanging by appeal to the Superior Court of Judicature, and not yet heard by reason of the said Superior Court's not sitting in the same County, be revived and continued to be heard and tryed at the next Superior Court of Judicature to sit within the County.

Ordered that the late Committee for directing the settlement of the Plantation Quaboag, *alias* Brookfield, be continued.

The above two Orders were sent down for the concurrence of the Representatives.

July 9. H.E. communicated to the Council several letters from Casco Bay, Saco and Piscataqua brought this morning by Bomazeen and another Eastern Indian, importing the intelligence expressed by Moxis, one of the Sachems, of the arrival of a great French ship at Mount Desart, and that he met several Frenchmen from the said ship with some Cape Sable Indians coming Westward with intent to commit hostilitys upon the English, and incited the Eastern Indians to join them therein. They were sent down to the Representatives.

H.E. communicated his intention to set forth one of the best sailing shallops of Marblehead under the command of the Lieutenant of H.M.S. *Gosport* and 20 or 30 of her men, with the consent of Capt. Thomas Smith, to discover and report what they should see, and to have H.E.'s Instructions, and that Bomazeen and the other Messinger be rewarded for their duty with a good coat, shirt, neckcloth and hat each of them, and be returned by the said shallop to their place. Andrew Belcher to provide therefor. All which is approved.

Address of sundry of the Ministers of the County of Essex relating to several persons within the same County that lye under sentence of condemnation for witchcraft, read and sent down.

Petition of Joseph Howard of Bridgewater relating to a controversy betwixt the petitioners and the Town of Taunton as to right of lands lying at or near Titticut, read and sent down.

Committee of both Houses appointed to report on the works at the Castle.

The Commissioners of Excise complaining that Bristol pleads a priviledge of exemption, ordered that the Sheriff of the County do notify the Selectmen of Bristol to attend H.E. and Council to shew forth their claim on July 20.

July 10. Order of July 8, relating to appeals of New Hampshire, sent up with the concurrence of the House.

Bill for continuing several Acts was sent up with an amendment.

The Rule agreed to by the Representatives for the apportioning of a tax of 2,229*l.* 8*s.* upon the several towns and districts was sent up for concurrence and read, and exception being taken to that article including some familys to Framingham that at present by order of the Board are laid to Sherborne, a message thereupon was sent down. [*C.O.* 5, 789. *pp.* 835–839.]

July 9. Clovally in the county Devon, near Lundy. **899.** Robt. Livingston to the Council of Trade and Plantations. This is to accompany your Lordships' packet from my Lord Cornbury, which we with much difficulty sav'd from being taken by the French, who took the sloop I came in, the *Thœtis*, in sight of the Island Lundy yesterday. We sailed from New York June 2, and on July 8 made the Island of Lundye, but happened to see a sail to winderd as soon as we spyed the land, who chas'd and came up with us about 9 a clock in the morning, we being a small vessel and but 11 hands gave the privateer severall gunns, but he having 6 guns, 4 patterero s and 50 men soon mastered us with his small shott, being one Capt. François la Marque belonging to Rochecaux in France, and after he had taken us, us'd us very barbarously, for we redeem'd ye sloop for 450*l. sterl.*, and gave a pledge, and after that he had pass'd his word of honour not to meddle with us, not only plundered the sloop and took everything he could carry away, but searched our pockets and took all from us, and turned us adrift, there being a sail in sight, wch. proved to be the *Rye* fregat, who is gone after him. I wish he may be so fortunate to take him, for he is a great plague to these parts, and besides all I have lost, he has got severall books and accounts in my chest that trouble me much. My Lords, I have been a servant to ye Crown 28 years in that Province, and have launch'd out all the small fortune I have, and ran myself deeply in debt for victualling H.M. forces and other Publick services, and was now constrain'd to leave my family and concerns to come for England to gett those debts due to me from the Crown, and have unfortunatly met wth. this dissaster, but I hope your Lordships will, after you are throuly inform'd of my circumstances, be my Intercessors to H.M. for releeffe. We lye here for a winde to goe to Bristol, from whence I make haste to wait upon yr. Lordps. to give an account of the affairs of our Province, we have had no disturbance from ye French of Canada yet, they having had a great mortality amongst them, both Christians and Indians. our Indians of ye 5 Nations proove true hitherto, but are much tampered withall by ye French, wch. causes many to waver. *Signed*, Robt. Livingston. *Endorsed*, Recd. 19, Read July 20, 1703. *Holograph.* 1 *p.* [*C.O.* 5, 1048. *No.* 62.]

July 9. Whitehall. **900.** Journal of Council of Trade and Plantations. Letter from Mr. Penn read; and Mr. Charlewood Lawton and some other Gentlemen giving a good character of Mr. Evans, a report was signed and sent to the Earl of Nottingham. [*C.O.* 391, 16. *pp.* 177, 178; *and* 391, 97. *p.* 497.]

July 9. **901.** Journal of Assembly of Jamaica. Resolved that the Governor's message relating to Mr. Totterdell was not a satisfactory answer. The following Address was sent up to the Governor:—" Wee the Assembly of this H.M. Island do humbly

1703.

crave leave to lay before your Honour the many hardshipps and inconveniencies wee lie under in having one of our Members charged with crimes of so high a nature as Mr. Totterdell has been. Wee therefore doe humbly desire your Honour will detect the person who gave the information of his misbehaviour [July 8], that if such person be guilty of misrepresenting anything which may cause misunderstanding between your Honour and this House, he may suffer according to his demerritt, which if your Honour please to grant, it will give us new life to proceed on the publick affaires with all chearfulness and alacrity. Whereas at present wee are deterred from freedom of debate lest it should be construed to sinnister ends and misrepresented to your Honour by ill disposed persons, so that wee cannot proceed according to our duty and good intentions."

Upon delivery of this Address, the Governor went into his chamber and brought out several papers, one of which he said the Committee, who presented it, should read, but he would not part with it, the which was signed by Mr. Nicholls and Capt. Bickerstaffe, intimating that they were present when the Governor sent for Mr. Totterdell about his concealing the Deputation for the Provost Marshall's place, at which the Governor was very angry, and told the said Totterdell that he should not be protected by the mob as he was in Sir Wm. Beeston's time, and some other thing's relating to what he had formerly done, but that there was nothing about reading the Queen's Letter, relating to words spoke in the Assembly, and were not sure whether the words "Impudent fellow" were spoke by the Govourner or no. He also produced and read another paper signed by Samll. Lovell relating to some proceedings and pleading in the Grand Court contrary to his duty and H.M. intrest. He likewise acquainted the Committee of the hardships Mr. Hickman laboured under in accepting the Provost Marshall's place, which was so soone taken from him, which Mr. Totterdell knew very well of, and did not declare it either to the Governor or Hickman, which was in effect taking away the poor Gentleman's bread; that he had a great respect for the major part of the Gentlemen of the Assembly and desired that they might go forwards with the country's business, and not loose time about such frivilous matters.

And see Minutes of Council in Assembly under date.

[July 10.] John Peake and Robert Meakins were granted leave of absence. *And see Minutes of Council in Assembly under date.* [*C.O.* 140, 7. *pp.* 61–64.]

July 9. Council Chamber, Boston. **902.** Minutes of Council of the Massachusetts Bay. An accompt of the expenses of H.E.'s journey to Casco Bay in June last, amounting to 71*l.* 3*s.* 2*d.*, examined, and that amount paid to Capt. Benjamin Alford.

9*l.* 11*s.* 8*d.* paid to John Honywell for 1,150*lb.* of fresh beef at the time of H.E. late Conference with the Indians at Casco Bay.

July 10. 4*l.* 10*s.*, in addition to 30*s.* lately advanced to him, paid to John Graves, one of the garrison at H.M. Fort at Casco Bay, for riding post three times to Boston and twice to Piscataqua.

1703.

26*l.* paid to Samuel Hunt, Chaplain to H.M. Garrison at Casco Bay, for 26 weeks service there. [*C.O.* 5, 789. *p.* 516.]

July 9. Whitehall. **903.** Council of Trade and Plantations to the Earl of Nottingham. Enclosing following Report to be laid before H.M. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt. *Annexed*,

903. i. Council of Trade and Plantations to the Queen. July 9, Whitehall. Having upon enquiry received a good character of John Evans (July 7, 9), we have no objection against your Majesties approbation of him accordingly, security being first given for his observing the Acts of Trade, and otherwise, as in the like cases; and that Mr. Penn do renew the Declaration made by him relating to your Majesties right to the Three Lower Counties. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt. [*C.O.* 5, 1233. *Nos.* 49, 49.i.; *and* 5, 1290. *pp.* 349, 350.]

July 11. Windsor. **904.** Order of Queen in Council. Approving of Representation of July 9, and declaring H.M. approbation of John Evans to be Deputy Governor of Pennsylvania and the annexed Territorys, as soon as security shall be given for his observing the Acts of Trade *etc.*, and that Mr. Penn do renew the Declaration made by him relating to H.M. right to the Three Lower Counties. The Lords Commissioners of Trade and Plantations are to take care that the said security be forthwith given and declaration made. *Signed*, John Povey. *Endorsed*, Recd. Read July 14, 1703. 1 *p.* [*C.O.* 5, 1262. *Nos.* 38, 39; *and* 5, 1290. *pp.* 351, 352.]

July 12. New Yorke. **905.** Governor Lord Cornbury to the Council of Trade and Plantations. I herewith send your Lordshipps the Acts of the General Assembly of this Province past last spring; they are in number twelve; the first is an Act for raising 1,500*l.* towards erecting two batterys at the Narrows, this Act I hope will not meet with any difficulty before your Lordshipps; these batterys being the only method that can be found to secure the entrance to this Port; the second is an Act to oblige persons to pay their arrears of the 1,000*l.* tax formerly granted for erecting a fort at Onnondago, and for aplying that money towards the carrying on the Fort at Albany. I hope this Bill will recommend itself sufficiently enough to obtain your recommendation to H.M.; the third is an Act to reverse the judgments against Bayard and Hutchins, the only reason I can offer for this Act is, that having received H.M. commands to direct the Attorney Generall here to consent to the reversing the judgments against those two men, and all such other things as might best conduce to the restoring the said Bayard and Hutchins to their estates *etc.*, I sent for Bayard and told him of it, he said he would advise with Councill which would be the proprest way to doe it, and two days after he came to me with his Councill and told me that an Act of Assembly would be the properest way. I told them I thought a writ of Error in the Supream Court would be best for the partys concerned, the Councell agreed with me, but then he urged that the Supreame Court would not sit till October, that Collonel Bayard was old, and that if he should dye the sentence unreversed, it might create a great deale of trouble to his family, and farther said that if they did obtain an Act, yet they would bring their Writ of Error in the Supreame Court, if Bayard lived soe long; upon these considerations, and seeing the draft of an Act, which his Councill had prepared against the sitting of the Assembly, which contained nothing in it farther then what I thought was intended in the Queen's commands, I assented to that Act, and I hope your Lordshipps will approve of it; the fourth is an Act to enable the Justices of the City of Albany to build a goale *etc.*; this Act I hope you approve, for it is a very necessary Act for that place, and the charge is to lye upon themselves only; the fifth is an Act to rectify a mistake in a former Act for defraying the publick charge of this Province, whether your Lordshipps will please to approve of this Act now, or whether you will please to let it lye a little while, I shall submit to you. the reason why I offer this is because just now there is a Gentleman come from the country who says he fears severall inconveniencys will arise from this Act, which were not foreseen at the passing of it, and I suppose in a short time I shall be able to give you a better account of it: the sixth is an Act to prevent the distilling of Rum and the burning of Oyster shells into lime within the City of New York, this Bill was occasioned by the noisomeness of those two things, which everybody thinks contributed very much to the continuance of last summer's sicknesse. Therefore I hope your Lordshipps will please to recommend it to the Queen for her approbation; the seventh is an Act for the better maintenance of the Minister of New York. I humbly intreat this Act may be confirmed, it is to add 60*l*. a year to 100*l*. a year setled upon him by a former Act, the Gentleman deserves extreamly well; the eighth is an Act to bring the weights and measures of this place, which hitherto have been according to the standard of Holland, to that of England, which I hope will be a sufficient reason for the confirming of it; the ninth is an Act to enable the Minister and Elders of the French Church to build a larger Church, their Congregation is much inlarged, and they have behaved themselves always well towards the Government, therefore I hope you will approve of it; the tenth is an Act to supply the defects of an Act passed last year for apointing Commissioners to state the publick accounts, without this Act those Commissioners will not be able to perform what is required of them, for want of sufficient power which this Act gives them, and therefore I hope will passe; the eleaventh is an Act for laying out high ways throughout this Province, this I suppose will appear soe reasonable and necessary a thing, that it will want no farther recommendation from me; the twelfth is an Act for the more speedy recovery of the forfeiture of 6*l*. inflicted by a former Act for regulating and setling the Militia of this Province, the method of levying that penalty by the former Act was soe dillatory that it rendred the thing its self ineffectuall, this Act remedys that evill, which will make our detachments upon all occasions much more easy, therefore I hope your Lordshipps will approve of it. *Signed*, Cornbury. *Endorsed*, Recd. Dec. 9, 1703. Read Feb. 22, 170¾. 3 *pp*. [*C.O.* 5, 1048. *No.* 61; *and* 5, 1120. *pp*. 65–69.]

[? July 12.] written June 22. **906.** Minutes of Council of Barbados. Bill for the encouragement of white servants, and to ascertain their allowance of provision and clothes; and supplemental Act to the Act concerning the General Sessions, passed with amendments, were sent down.

Petition of several Masters of ships bound for Europe, praying leave to sail without waiting for convoy, rejected, since H.M. has appointed a convoy to sail for July 20.

H.E. acquainted the Board that some doubts and difficulties had arisen in the explanation of the Law concerning Lawyers taking an oath therein appointed, and that several ill-disposed persons had taken advantage thereby to delay proceedings in the Courts of Law, and recommend them to bring in a Bill for excusing them from the said oath for some short time, till an Act to explain and ascertain the same could be passed, which he had already recommended to the Assembly. Bill brought in accordingly and read twice. [*C.O.* 31, 8. *pp*. 55, 56.]

July 12. **907.** Journal of Assembly of Jamaica. The House met and adjourned.

July 13. *See Minutes of Council in Assembly, July* 14.

July 14. *See Minutes of Council in Assembly.*

Several Members having had leave to go off the Island, and others sick, resolved that 17 be a quorum to call and adjourn the House and send for and punish absent members, but not to proceed to other business. [*C.O.* 140, 7. *pp*. 64–66.]

July 12. **908.** Minutes of Council in Assembly of the Massachusetts Bay. Message sent down to remind the Representatives that the Order for continuing the impost and excise will expire tomorrow, and to move them to bring forward a Bill.

Petition of the inhabitants on the East side of the Town of Springfield relating to the Ministry lands in the said town, sent up with a vote of the Representatives thereon, read, as also a petition of the other part of the Town.

Committee appointed to state the prizes [*sic*] of goods to be sold to the Indians, and the rates to be allowed for peltry, and to report the same.

July 13. HE., attended with a Committee of the Court, went to view the works of the fortifications makeing at the Castle.

July 14. The Committee appointed July 12 reported the prices of the several species of goods, which was approved and ordered to be imprinted.

Bill for further continuing of several Acts was returned from the House of Representatives with an additional clause tackt thereto of repeal of the Act in addition to the Act for levying souldiers, which was read and not agreed to. The Bill was sent down again.

Order of July 8 continuing the Committee for Quaboag was returned, with the concurrence of the Representatives. [*C.O.* 5, 789. *pp.* 839-841.]

July 13.
Carolina.

909. Governor Sir Nathaniel Johnson to the Council of Trade and Plantations. I presume to give your Lordships this account, and pray your directions for the future, having in this case done [*all that* ?] I was advised I could doe by Law excepting I had had powers and Instructions in itt. One Daniel Johnson, jr., was by the Royal African Company appointed Commander of the *Christopher*, and was ordered by the Company's Agent from Gambia to Bermuda with negros, but she being unable to proceed her voyage, he made for Turks Islands, a place uninhabited, and there meeting with a Bermuda vessel, he put part of his negroes on board her, and consigned them to his father and Captain Tucker in Bermuda, and the other part he put on board of a Carolina vessel then with him att Turks Islands, and came with them hither, and immediately sold them. The *Christopher* he left with two or three hands at Turks Island, and ordered them to look after her till such time as they should have orders from his Father and Capt. Tucker what to do, he being oblidged by the Companies Agent to follow the directions of his Father and Capt. Tucker. If he had done any fraud or injury to the African Company, I was not able to prove itt. Neither had I or any person here any power from the African Company to call him or any other person to an acct. So that all I was advised I could do was to oblidge him to give me an accompt of his ladeing, and I took the affidavits of himselfe and his men relateing to his voyage, the copies of which I enclose. Of this matter I thought myselfe oblidged to give your Lordships [*account*] and to pray your directions therein, for though in this particular cannot see any designe there could be of defrauding H.M., the negroes paying no custom, yet the maner of it, if it be suffered to be put in practice may be of dangerous consequence, for by yt. means persons may goe to such a maroone place as Turks Islands, and put their goods and merchandizes (which it may be are brought thither in an unqualified vessell) on board of a qualified vessell, and so import them into the Plantations, by which they may in many things utterly defeat the intent of several of the Acts of Trade. But I having no man-of-war here to send down to Turks Islands, and to bringe up the said vessel, all that I could doe was to take the best acct. I could get of the affaire and transmitt it to your Lordships, that if your Lordships thinke fitting you may give your orders relating to Johnson, who is gone from hence to Bermuda. *Signed*, N. Johnson. *P.S.*—Copy of a letter and information, wch. I sent your Lordships by the briganteen *Joseph*, wch. I am informed is lost. *Endorsed*, Recd. Sept. 13, Read Oct. 19, 1704. [*C.O.* 5, 1262. *No.* 41.]

July 13.

910. William Penn's Declaration relating to his title of the Three Lower Counties. I underwritten do by these presents declare

1703.

and promise that the Queen's Royal approbation and allowance of John Evans, Gentn., to be Deputy Governor of Pennsylvania and the Three Lower Counties upon Delaware River, shal not be construed in any manner to diminish or set aside H.M. Claim of right to the said Three Lower Counties. *Signed*, Wm. Penn. *Sealed. Endorsed*, Recd. Read July 14, 1703. ¾ *p.* [*C.O.* 5, 1262. *No.* 40; *and* 5, 1290. *pp.* 352, 353.]

July 13. Whitehall. **911.** Journal of Council of Trade and Plantations. Three letters from Col. Dudley, April 4 and May 10 and 16, read, and directions given for preparing a Representation upon them.

Sir Henry Ashurst being sent for, and their Lordships enquiring of him concerning the Indian boy mentioned in the above lettter of May 10, he said that the boy has been this 14 years in his service, and that Lord Nottingham had sent to speak with him upon the same subject. He was desired to acquaint this Board with what settlement shal be made between the Earl of Nottingham and him upon that matter, wch. he promised to do.

July 14. Order of Council, July 11, with Mr. Penn's Declaration, read. A letter was thereupon writ by the Secretary to Mr. Lowndes.

July 15. Their Lordships made a further progress in considering a Collection of the Laws of New Hampshire.

July 16. A Representation upon the state of the Massachusets Bay and New Hampshire, pursuant to Col. Dudley's late letters, was signed. [*C.O.* 391, 16. *pp.* 178–181; *and* 391, 97. *pp.* 501–513.]

July 13. **912.** Journal of Assembly of Barbados. Adjourned from the house of the Lord Grey to the house of Edward Arnell, Vintner, in St. Michael's town; and then adjourned for lack of a quorum. [*C.O.* 31, 7. *p.* 82.]

July 13. **913.** Minutes of Council of Bermuda. H.M. Commission to the Governor read. He and the members of Council present took the oaths appointed.

H.M. Order about Col. Day's fine of 50*l.* being remitted was read and ordered to be recorded and satisfaction entered to the judgment.

H.M. disallowance of the Act to prevent the oppression and extortion of officers read and ordered to be recorded.

The four Members of Council, who had entered themselves securities for Charles Minors the Secretary according to the said Act of Assembly, desired that their bonds might be cancelled, which was done.

Charles Minors took the oaths as Clerk of the Council and Secretary. [*C.O.* 40, 2. *p.* 55.]

July 13. **914.** Minutes of Council of Virginia. H.E. laid before the Council a letter from the Council of Trade, April 20, relating to the administration of Justice. Proclamation ordered accordingly, requiring all concerned in the administration of Justice diligently to perform their respective duties without

1703.

any delay or partiality. Ordered that the Secretary prepare such an abstract of the proceedings in the several Courts as by the said letter is required. Upon that part of the letter which relates to the passing a law for a Court for determining small causes, it is the opinion of the Council that the Laws now in force do sufficiently provide for the determination of all causes whatsoever. H.E. laid before the Council H.M. letter of April 20 prohibiting gifts to be made to Governors, which was ordered to be entered in the Council books and communicated to the Assembly at their first sitting.

Upon reading the orders from H.R.H. to Capt. Christopher Hogg, whereby he is directed to sail from hence with such ships as shall be ready to sail with him in 15 days, H.E. and the Council, taking into consideration that the ships in this country and Maryland ly so dispersed that it is not possible to give them such speedy notice as that they can be prepared to sail in that time, and that if the time for their sailing be further prolonged most of them will be ready to put themselves under Capt. Foggs' convoy, whereby a considerable advantage will accrue to H.M. Revenue as well as to H.M. subjects concerned in the said ships, are therefore of opinion that it is for H.M. service that Capt. Fogg stay till July 31 (being the time Capt. Dove sailed last year), and desire Capt. Fogg to signify his resolutions hereupon, that the Board may proceed to give directions accordingly. Capt. Fogg signified his willingness to stay four or five days longer than the time limited by his orders.

Ordered that Collectors and Naval Officers clear ships up to and not after July 24, and that no ship for the Plantations sail till the departure of the convoy.

Upon reading the Orders of H.R.H. to Capt. John Symonds, H.M.S. *Guernsey*, Commodore of the Fleet now arrived in Virginia and Maryland, whereby he is directed to stay in this Colony for two months, and ten days longer, if he shall see necessity for it, Ordered that the Fleet do sail at the time appointed, Sept. 16, and that after the departure of Capt. Fogg's convoy no ship sail home till then, and that no ships sail for the Plantations after Aug. 27 till the departure of the said convoy, that so all means of intelligence may be cut off from our enemys touching the said fleet.

Capt. Nathaniel Bostock, H.M. Advice-boat *Eagle*, having signified to H.E. that he hath received orders from H.R.H. to return into England, and Capt. Fogg declaring his opinion that the *Eagle* may be of service to him on his voyage, H.E. and Council approve of Capt. Bostock's going with the *Falmouth* and *York*, as he desired.

Whereas the Commissioners of Customs, March 17, have signified that notwithstanding the Act which prohibits the importation of tobacco in bulk from the Plantations, several frauds have been lately committed by Masters of Ships and others endeavouring to evade the intention of the said Act, and desiring H.E. to repeat his directions to the respective officers within this Colony in relation thereunto, Ordered that a copy of the above letter

1703.

be sent to every district, and the Collectors and Naval Officers are hereby strictly required to observe the directions therein set down.

The new Commission to H.E. was read. He and the Council took the oaths *etc.* appointed. Ordered that the Oaths of Judges be taken by H.E. and Council in the General Court.

Edmund Jenings producing his Commission for the post of Secretary, the same was read, and he took the oath appointed.

William Robertson, Clerk of the Council, took the oath appointed.

Ordered that all officers, civil and military, take the oath mentioned in the Act of Parliament I Anne, and that a copy of the said oath be sent to each county when the Dedimus for swearing the said officers are sent.

Ordered that the Secretary prepare new Commissions in H.M. name to all officers, civil and military, within this Government.

Whereas several Admiralty passes were sent into this Colony per merchant ships trading here, pursuant to the agreement made with the Algerines, ordered that the Collectors and Naval Officers transmit an account to H.E. how the said passes have been disposed of by them, and how many remain yet in their hands.

Ordered that the Naval Officers remit Bills of Exchequer to Mr. Auditor for what is due from them.

July 14. H.E. communicated to the Council H.M. Instruction relating to the encouraging the inhabitants to build towns, and particularly for the rebuilding and settling of James Town, and thereupon H.E. asked the advice of the Council what was proper to be done in relation to James Town. The Council are of opinion that Williamsburgh being by Act of Assembly appointed the seat of Government and the Capitol built therein at a very great charge to the country, it is necessary to represent the same to H.M.

Whereas H.M. hath been graciously pleased to order several arms and stores of war to be sent into this her Colony and Dominion, which are to be delivered in James River, the Council advise H.E. to issue his warrant to the Commodore of the ship, when he arrives, to deliver them to Edward Ross, gunner at James City, to be by him secured in the magazine there.

Robert Beverley, Clerk of the House of Burgesses, having occasion to go to England, was discharged of his office.

Whereas complaint is made to this Board that Jno. Woodson of Henrico County, by connivance with Richard Ligon, Surveyor of the said County, hath clandestinely caused to be surveyed a certain tract of land, although he knew it was appropriated pursuant to the Act of Assembly for Cohabitations, for which by inadvertency a patent was signed last General Court, ordered that he appear before H.E. and Council next General Court.

Whereas H.E. hath received information that diverse persons have seated land on the south side the Blackwater Swamp on colour of surveys lately made, although the said surveys have been complained of and contraverted as irregular, H.E. in Council is pleased to order that the Sheriffs of the Counties of Surry and Isle of Wight do forthwith make enquiry what lands are seated on the south side of Blackwater Swamp within the precincts of their respective counties, by colour of surveys made since the said land was laid open by order of Council, and what houses are built thereon and by whom, and that they return an account thereof to H.E. with all speed.

Whereas H.E. and Council are informed by a letter from Col. Benjamin Harrison, July 11th, that 20 strange Indians had set upon nine Nattoways, and killed five of them, the King being one, and this Board having also received advice that several parties of strange Indians have been seen about the frontiers, and that some of them have given out that they are only in search of the Toseuroro Indians without any design to disturb the inhabitants of this country, Ordered that the Interpreter to the Nattoway, Maherine and Nansemond Indians require them to take good heed to themselves, and that they do not ramble further from their respective towns than is absolutely necessary, but if they apprehend themselves in danger at their towns, that then they come in amongst the Inhabitants till the danger ceases.

Petition of Sarah Williams, widow, committed to the prison of James City County for suspicion of murder of her bastard child, praying to be let out on bail, referred to the Court of the said County.

H.E. laid before the Council a letter from the Earl of Nottingham (*see* 487.i., ii.). Proclamation accordingly ordered, forbidding correspondence with the French and Spaniards.

Upon Capt. Bostock's report of H.M. sloop *Elizabeth*, ordered that Capt. Symonds, H.M.S. *Guernsey*, take care of the refitting her.

Writ ordered to issue for the election of two Burgesses for Prince George's County, and one for King and Queen County, in the room of Col. Wm. Lough, decd.

Ordered that a Copy of the Order in Council, Nov. 23, 1699 (*q.v.*), be sent to the Captains of H.M. ships of war now in this Colony desiring them to take notice that the Laws of this country prohibit the carrying off any person without a pass from the Secretary. [*C.O.* 5, 1412. *pp.* 79–88.]

July 14. Whitehall.

915. William Popple to Mr. Lownds. Enclosing draft of bond for 2,000*l.* [*see* July 21], approved of by Mr. Attorney General as security for John Evans, Deputy Governor of Pennsylvania, for the Lord High Treasurer's directions, that the security be taken at the Exchequer or elsewhere. [*C.O.* 5, 1290. *pp.* 353, 354].

July 14. St. Jago de la Vega.

916. Minutes of Council of Jamaica. Ordered that 30 barrels of powder be sent for up to this town.

The Governor communicated to the Board a letter from Comadore Andrew Douglas, whereby for the supply of H.M.S. *Colchester* and *Sunderland* he requires 120 men, for the obtaining

1703.

whereof he desires the Governor's assistance. The Council advised him to write to the Comadore how Admiral Graydon had imprest soe many people, and frightened away soe many more that it was impossible to supply him at this juncture without indangering a total desertion of our seafareing people and so exposeing the Island to ruin.

The Governor acquainted the Board that he heard Capt. Forrester (*see* July 8) was gone off and has left his vessell nail'd up in the harbour of Kingston. The Council advised that, since the Capt. had deserted, the Governor shall issue out his warrant to the Naval Officer to take her into his custody and to take on shoar all her guns, rigging *etc.*, and having caused the same to be duly inventoried and appraised, to keep them safe in his custody for the benefit of the owners, till they shall come or send to claim the same, for which he is to be allowed thereout his reasonable charges. [*C.O.* 140, 6. *pp.* 152, 153.]

July 14. **917.** Minutes of Council in Assembly of Jamaica. Col. Beckford reported from the Conference (July 10) that the Committee came to the conclusion to run through the whole body of Laws and then to have all the necessary amendments laid before a Joint Committee of the two Houses at another free Conference, whereupon they might conclude and resolve which was the best way for revising the Laws.

Message sent up from the House that they disagreed with the opinion of the Board (July 10), and resolved to proceed to the making a new body of Laws, "and that your Honours of the Council be desired to take what part you please in order to expedite the same."

The Board sent a message in reply, that they are of opinion that there hath been some mistake in reporting what past at the Conference yesterday *quoted above*. The Assembly replied that they were satisfied there was noe mistake, but not being bound up by what was transacted att the Conference did not concur to the same, believing it to be the best and shortest way to make a new body of Lawes. [*C.O.* 140, 6. *pp.* 505, 506.]

July 15. **918.** Journal of Assembly of Barbados. Message sent down that H.E. was sick and desired the House to make a short adjournment.

Resolved that Addresses be prepared for the payment of the Agents' salaries in arrear, and of the arms and stores imported for the publick use. [*C.O.* 31, 7. *p.* 83.]

July 15. **919.** Journal of Assembly of Jamaica. Capt. Freeman having satisfied his fees was discharged from custody and allowed to take his seat in the House.

Committee appointed to bring in a Bill for supplying some defects in the Act for raising money as an addition to the subsistence of H.M. officers and soldiers.

July 16. Petition of Joseph Quelch read, wherein he acknowledged his crimes and begged the pardon of the House, alledging his great

1703.

poverty by his great losses by the great fire. Resolved that he be sent for and reprimanded by the Speaker, and begging pardon of the House on his knees, be discharged paying 5*l.* to the Messenger and 20*l.* to the Clerk, which he did accordingly.

Amended Bill for the more speedy and better collecting H.M. quit-rents, read and recommitted.

And see Minutes of Council in Assembly.

July 17. Col. Thomas Sutton had leave to waive his priviledge and admitt himselfe to be sued in the Court of Admiralty.

Col. Matthews Crew and Capt. Thos. Fox and Capt. Charles Long were granted leave of absence.

Act for encouraging the importation of white servants read and recommitted.

Amendments to the Act for preventing the incursions of the enemy on the sea-coasts, read the first and second times. *And see Minutes of Council in Assembly.* [*C.O.* 140, 7. *pp.* 67–69.]

July 15. Boston. **920.** Minutes of Council of the Massachusetts Bay. Petition of Joseph and Nathaniel Browne of Rehoboth, referring to certain lands withheld from them by their brother, Capt. John Browne of Swansey, for which they have lately commenced suit and are bar'd by an Act of Limitation of the Colony of New Plymouth, and praying relief, read.

Ordered that Capt. Browne be notified to attend on July 22.

8*l.* 0*s.* 2*d.* paid to Col. Daniel Peirce for expenses in enlisting 50 soldiers in June to be in readiness to march into the woods in case the Indians should make any breach etc.

8*l.* paid to Samuel Moody, Chaplain to H.M. garrison at Fort Mary in Saco to compleat his half year's salary.

Isaac Addington applied to be dismissed from the place of Chief Justice of the Superior Court.

H.E. appointed a General Council upon July 22 for the nomination of Civil Officers.

Several queries, presented by Jahleel Brenton, Collector of H.M. Customs upon the Act to prevent the exportation of wool, 11 and 12 William III, praying the opinion of the Board therein, were read.

July 16. Licence granted to Mary Monck, widow, to erect a building of timber, with a flat roof on her land, situate at the N. end of the Town, between the House of John Wakefield, jr., and the house and land of Capt. Samuel Turel, abutting on the street leading from the Mill-bridge to Capt. Winthrop's House, provided that part which will stand next to the street be rough cast, as suggested by the Justices and Selectmen of Boston.

Licence granted to Ezekiel Cleesbe to remove a shed from the upper part of his wharfe near the highway, and to erect and finish the same to stand on the south side of the lower end of his wharf, att the northerly end of the Town of Boston, next adjoining to the wharfe of Joseph Grant, the north-west or upper end of the said building to stand 50*ft.* distant from and below the highway, and to be improved for a warehouse or salt house. [*C.O.* 5, 789. *pp.* 517–519.]

1703.
July 15. **921.** Minutes of Council in Assembly of the Massachusetts Bay. The resolve of the Representatives as to the rate of apportioning the tax (July 10), sent up with an alteration in the Article excepted to by the Council, read and concurred with. Petition of several freeholders and inhabitants of the North part of the County of Essex, praying that the said County, being of a large extent, may be divided into two, was read and sent down to the Representatives.

July 16. Petition of Benaiah Titcomb of Newbury, setting forth the caption of his vessel by a French ship of war in her late voyage from Antegua to Newbury and the great loss he sustained by her being plundered, *etc.*, and praying the abatement of the small quantity of goods brought home in her, granted. The Representatives agreed.

Order for reforming of the high Rhode from Newbury to Salem, and for appointing a Committee to make enquiry thereinto, sent down for concurrence.

Bill for continuing several Acts near expiring was sent up agreed to, with the added clause withdrawn.

Resolved that a Bill be drawn to continue the Excise Act of last year until June 29.

July 17. Order for reforming the high Rhode (July 16) agreed to by the Representatives.

James Taylor, anew elected Treasurer, took the oaths appointed.

Bill for granting unto H.M. a tax upon polls and estates, sent up, was read. Message sent down to represent the great inconveniency of the clause restricting draughts to be made upon the Treasury for incidental charges to 30*l.*

Resolve sent up that the sum of 5,000*l.* of Bills of Credit on this Province be further imprinted and delivered to the Treasurer to pass out of and be received into the Treasury as the Bills of Credit last emitted, which was concurred with.

Resolve sent up, that the Treasurer emit 5,000*l.* in the Bills of Credit on this Province last made, which are to pass out of and be received into the Treasury as the last 10,000*l.* of the said Bills that were emitted, the Province accompt to be debited for the said principal of 5,000*l.*, with the advance of 250*l.*, whereat they were received into the Treasury.

Petition of the Town of Suffield, praying that the Farme, which the General Court reserved within the bounds of the said town, may be granted to the Town and sequestred to the Ministry in said Town, and to be for that use for ever, sent up from the Representatives with their assent, was granted.

Bill for further continuing of several Acts passed, and signed by H.E. [*C.O.* 5, 789. *pp.* 841–844.]

July 16.
Whitehall. **922.** Council of Trade and Plantations to the Queen. We humbly beg leave to lay before your Majesty the following accounts lately received from Col. Dudley relating to the state of the Massachusets Bay and New Hampshire. *Quoted.* Your Majesty having been pleased (May 18) to give them hopes that when their fortifications should be built, your Majesty would

1703.

send thither some great guns and stores thereunto appertaining, the same is most humbly submitted to your Majesties consideration. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 911. *pp.* 92–95.]

July $\frac{16}{27}$. Fort Kijkoveral, Rio Essequebo. **923.** Commandant Samuel Beeckman to the [*Directors of the Dutch West India Company*]. *Dutch.* 4 *pp.* *Enclosed*,

923. i. List of Enclosures.

923. ii. Inventories of the property of the Dutch West India Company in their Colony of Essequebo. July 13, (N.S.) 1703. *Signed*, Samuel Beeckman. *Dutch.* 33½ *pp.*

923. iii. Muster-roll of the Company's Servants in the Colony of Essequebo. 4 *pp.*

923. iv. List of slaves *etc.* sold. *Dutch.* 1 *p.*

923. v. Bill of lading of the *Abrahams Osterhande. Dutch.* 1 *p.*

923. vi. Copy of Orders of Council, Rio Essequebo, 1698, 1702. *Dutch.* 1½ *pp.*

923. vii. List of supercargoes on board the *Jonge Jan. Dutch.* 1 *p.*

923. viii.-xi. Copies of proceedings and sentence against Coenradt Carsten, *etc.* July 12, (N.S.) 1703. *Dutch.* 8 *pp.*

923. xii.-xv. Bill of lading, list of supercargoes *etc.* of the *Pinnenburg. Dutch.* 5 *pp.* [*C.O.* 116, 19. *Nos.* 18, 18.i.–xv.]

July 16. **924.** Minutes of Council in Assembly of Jamaica. Joint-Committee appointed to confer upon the Bill for preventing incursions by the enemy. [*C.O.* 140, 6. *pp.* 506, 507.]

July 17. Bedford Walk. **925.** Mr. Phipps to William Popple. Nathaniel Byfield is Judge of the Admiralty and Paul Dudley Attorney General of the Massachusetts Bay. *Signed*, Con. Phipps. *Endorsed*, Recd. Read July 21, 1703. ¾ *p.* [*C.O.* 5, 863. *No.* 43; *and* 5, 911. *p.* 95.]

July 19. **926.** Minutes of Council of Barbados. H.E. acquainted the Board that he had received a letter by M. Corpang in a flagg of truce, in answer to one he sent to the Governor of Martineco about the exchange of prisoners, which he laid before them. He believed it would be more for H.M. service and the advantage of this Island to have no exchange of prisoners. The Board agreed, and recommended that what prisoners be taken should be sent to Europe, as it appeareth on oath they had done by the English prisoners.

Edward Chilton was sworn Attorney General.

William Rawlin was sworn Sollicitor General.

Bill to exempt Lawyers from the oath (July 12) read a third time, passed and sent down.

Petition of Masters of ships, desiring they may sail without convoy, read, and the Masters heard. They represented that the convoy was to touch at the Leeward Islands, which was a

1703.

risk they would not take, and that further delay involved danger of hurricanes and loss of men through sickness. Ordered that they have leave to saile on Fryday next (*July* 22) for England, provided they make 10 sail at least of good ships, and that they shall have convoy to the latitude of 20. [*C.O.* 31, 8. *pp.* 56–59.]

July 19. **927.** Journal of Assembly of Barbados. Bill sent down, for exempting the lawyers from takeing the oath mentioned in the Act to prevent abuse of Lawyers and multiplicity of Lawsuits, was read the first and second times.

Address to H.M. sent down from the Council and recommended to the consideration of the Assembly.

Resolved, that this House shall address H.M., setting forth the impossibility for the Governor to support the dignity of his Government under the salary appointed, and that this Island may be permitted to add a further reasonable supply for his better support thereof.

Six weeks pay ordered for the men already in pay in the brigantine *Larke*, and that for the future her constant complement be 60. [*C.O.* 31, 7. *pp.* 84, 85.]

July 19. **928.** Journal of Assembly of Jamaica. The House met and adjourned.

July 20. Bill for regulating Elections read the third time.

Bill for preventing incursions of the enemy read the third time.

Bill to empower the Justices of St. George's read the third time.

In reply to a message to the Governor to enquire when the Council would sit, for that the House had business, he was pleased to say that he wondered the House should send up so often to know when there would be a Council, for that he thought the House had no business by so often sending, for that they were ready all day, but there would be a Council by and by.

The above Bills were sent up, with a reminder to the Council of the Port Royal Act and other bills that lie before the Board.

The Committee appointed to bring in a bill for the punishing of pirates, reported that the Act of 11 and 12 William III rendered it unnecessary.

Act for regulating servants read and recommitted.

July 21. Bill for the better recovery of the money raised as an addition to the subsistance of H.M. officers and soldiers read the first and second time.

And see Minutes of Council in Assembly under date.

Petition of Edward Betterton read and ordered to ly upon the table.

Bill for the better and more speedy collecting H.M. quitrents read the first time. [*C.O.* 140, 7. *pp.* 69–72.]

July 19. **929.** Minutes of Council in Assembly of the Massachusetts Bay. Proposal of the Representatives, for the appointment of a

1703.

Committee to join with a Committee of the Colony of Connecticott to perambulate the line betwixt this Province and that Colony, *etc.* (*see* July 20), was debated and referred to further consideration until to-morrow.

July 20. The above proposal of the Representatives was agreed to. It was in the following terms: "Whereas there is information that by reason of Mr. Taylor's trying the line betwixt this Province and Connecticott Colony, several in that Colony encourage themselves to make further inroads upon the towns belonging to the Massachusetts Province, tho' it is very obvious that Mr. Taylor was not rightly informed, but did begin to take his observation distant from the place he ought to have begun at according to the line granted in our Charter and the line that Connecticott Colony was settled by upon us, Ordered that there be four suitable persons appointed and impowered by this Court to joine with a Committee appointed and impowered by Connecticott Colony to perambulate the line between us and them, against the several towns next adjacent to the said line, according to the line formerly run by Woodard and Saffery, that so the said Towns, in either Government as granted them, may be accordingly accommodated, and neither be prejudiced whethersoever Government they do belong unto. And that Enfield be allowed 7*l.* 14*s.* towards their charge that they have been put to in defence of their titles and securing their interests out of the publick Treasury. Further ordered that the inhabitants of Suffield and Enfield respectively assert the bounds and rights of their towns as they were granted by the General Court of the late Colony of the Massachusetts Bay. And the Justices of Peace within the County of Hampshire are hereby directed upon complaint to them made of any molestation or disturbance given to any of the Inhabitants of either of the said towns, in the improvement of their lands or priviledges by the people of Windsor, to assist them from time to time by making out warrants or orders for the keeping of the peace, suppressing of any force, and the arresting and imprisoning of such as shall unlawfully molest or interrupt them in their possession."

Order passed and sent down for the concurrence of the Representatives, to prohibit the cutting or boaring of pine trees within the respective towns of Enfield and Suffield for the drawing of Turpentine, until the General Assembly direct to a proper method for doing of the same.

A Bill in addition to the Act for the settlement of the bounds and defreying of the publick and necessary charges arising with each respective county, sent up, was read a first time.

July 21. Order of Council (July 20) returned with the consent of the Representatives.

Upon complaint made of very great havock and waste of the timber within the towns of Enfield and Suffield by the improper methods taken for the drawing of turpentine, whereby the trees are killed and all the timber, which otherwise might be serviceable to many other uses, likely in a short time to be utterly consumed and destroyed, for prevention thereof *ordered as above.*

1703.

Upon hearing of the pleas of Bristol, formerly called Mount Hope Neck, by their Agents, John Saffin and Nathaniel Blagrove, for their claim of exemption from duties of impost and excise and having perused the clause in the grant of Mounthope Neck, Sept. 14, 1680, from the Government of the late Colony of New Plymouth to John Walley, Nathaniel Oliver, Nathaniel Byfield, and Stephen Burton, merchants, the first purchasers, the Council are of opinion that the inhabitants of Bristol are not thereby acquitted from the impost, excises and duties laid or to be laid by the Great and General Court of the Massachusetts Bay, the said town being now united and incorporated into the said Province.

Ordered, that a Bill be brought in to acquit Abigail Falkner of Andover and others petitioners from the sentence passed against them for the felony of witchcraft in 1692. Which Order was agreed to by the Representatives.

40*l.* granted to Capt. John Harradine, as recommended by the Representatives upon his petition, praying to be considered for his good service done against the French enemy the last year.

Petition of Mrs. Penelope Winslow referred till next Session.

Petition of Samuel Morse, of Sherborne, and Thomas Waban, Indian of Natick, praying liberty to make an exchange of lands, granted.

Bill for granting unto H.M. a tax upon polls and estates was again sent up from the Representatives with the continuation of the clause of restriction for draughts upon the Treasury before objected to by the Board, and a tackage of another clause, declaring the several heads of charges therein enumerated, not to be incident, but stated charges. The Council agreed to the Bill, the said clause of restriction to be expunged and the tackage removed, and sent it down. It was returned by the Representatives with a message that they adhered to their Bill.

Bill relating to Molato and negroe slaves, sent up, was read a first time.

Bill in addition to the Act for regulating of townships, sent up, was read a first time.

Bill for granting unto H.M. an Excise upon strong drinke sold by retaile, sent up, was read first time. [*C.O.* 5, 789. *pp.* 844–849.]

July 20. Whitehall. **930.** Journal of Council of Trade and Plantations. Letter from Mr. Livingston, July 9, read.

Letter from Governor Lord Cornbury, May 29, read.

Letter from Capt. Nanfan, May 27, read.

Further progress made in considering the Collection of the Acts of New Hampshire.

Letters from Mr. Larkin, March 29, and April 12 and 19, and May 21, with enclosures, read.

July 21. Certificate from the Exchequer as to Deputy Governor Evans' bond, read. Representation ordered.

A paper upon a clause in Col. Seymour's Instructions read.

1703.

The Secretary was ordered to sign a copy thereof and to deliver the same to Col. Seymour.

Account of the Petty Expenses of the Office, of the Post-Officer and Stationer, laid before the Board and transmitted with a letter from the Board to the Lord Treasurer.

Further progress made in considering the Laws of New Hampshire.

July 22. Letter relating to H.M. approbation of Mr. Evans signed.

Order of Council, July 8, approving Instructions for Col. Dudley and Mr. Usher, read.

Order of Council, July 8, approving Instructions for Col. Handasyd, read.

Letter from Capt. Bennet, April 3, read, and whereas he mentions that several letters from hence were not come to his hands, ordered that the Secretary do send him copies thereof.

The remainder of the New Hampshire Acts were read, and the whole Collection ordered to be sent to Mr. Attorney General for his opinion in point of Law. [*C.O.* 391, 16. *pp.* 182–186; *and* 391, 97. *pp.* 517–526.]

July 21. **931.** Account of the Petty Expenses of the Office of the Council of Trade and Plantations from Xmas, 1702—Midsummer, 1703. *Total*, 18*l*. 1*s*. 3*d*. 1 *p*. [*C.O.* 388, 75. *No.* 73.]

July 21. **932.** Stationer's Account for the same period. *Total*, 38*l*. 6*s*. 10*d*. *Endorsed*, Recd. Read July 21, 1703. 2½ *pp*. [*C.O.* 388, 75. *No.* 74.]

July 21. **933.** Postman's Account for the same period. *Total*, 74*l*. 16*s*. Same endorsement. 2 *pp*. [*C.O.* 388, 75. *No.* 75.]

July 21. Whitehall. **934.** Explanatory observations upon the clause in Colonel Seymour's Instructions relating to the revising the Laws of Maryland and transmitting a compleat body thereof.

Colonel Blackiston, late Governor of Maryland, did, with his letter of Aug. 16, 1699, transmit to the Commissioners for Trade and Plantations a collection of the revised Acts of that Province, in two parts, the one entituled "perpetual Laws without limitation," the other "Laws made in July, 1699," intimating withall that several former Acts were thereby continued and others altered. In the said book of "Laws made in July, 1699," there is an "Act for ascertaining the Laws of that Province," by which the Acts past that Session, together with such former Acts, whereof a list is there inserted, are declared and enacted to be the only Laws of that Province; and all others formerly made are thereby repealed. This method has been judged irregular, because the validity of all the Laws of the Province are thereby made to depend upon this single Act: whereas each of them ought to have been enacted separately; that so they might have been singly either confirmed or disallowed by H.M. as should have been judged fitting. Hereupon the said "Act ascertaining the Laws of the Province" has been repealed.

1703.

And thereby it is conceived that not only the new Laws of that Session, but also the former Laws, so far as they were altered in that revision, and doe depend on this Act, are all set aside. So that the old Laws, as they stood before that revision and the passing of the said Act did thereupon revive. But whereas it is probable that the Assembly in revising the Laws as aforesaid, did make many alterations which may be usefull and proper to be allowed; it is judged expedient that the same be now again revised, and that such as have not been since repealed but doe yet seem proper, be enacted anew each of them singly; and a compleat collection thereof sent over as formerly in large Paper; that they may be submitted to H.M. approbation or disapprobation. And whereas it will undoubtedly happen that in the collection of Laws thus revised and re-enacted, divers ancient Laws will be repealed, it is necessary that a separate copy of all such repealed Acts be transmitted at the same time, that recourse may be had thereunto as occasion shall require, since without the sight of such repealed Acts, the Commissioners for Trade and Plantations will not be able to report their opinion upon the rest. [*C.O.* 5, 726. *pp.* 265–267.]

July 21. **935.** Certificate from the Remembrancer's Office, that security has been given for Mr. John Evans. *Signed*, R. Barker. *Endorsed*, Recd. Read July 21, 1703. ½ *p.* [*C.O.* 5, 1262. *p.* 42; *and* 5, 1290. *p.* 355.]

July 21. **936.** Minutes of Council in Assembly of Jamaica. Bill to prevent the incursion of the enemy on the sea coast, to which the House had agreed with the amendments, sent up, was read the third time and passed.

Bill to impower the Justices and Vestry of the parish of St. George to raise and pay in their taxes by a former Act, and indempnify the Justices and Vestry of the parish of St. Thomas in the East and St. David's for not raising their taxes in the time limited, sent up, was read a first, second and third time and passed.

Bill for regulating elections, and appointing the number of Assemblymen, sent up, which was read and rejected.

Message sent up to remind the Council of the Bill impowering Commissioners to enquire into the execution of the Act for raising money on Port Royal, and several other Bills that lye before the Board.

July 22. Message sent down in reply, that the Council cannot proceed in the Port Royal Bill till they have a satisfactory answer to the last message sent to the House on June 5. They desired a free Conference immediately upon the Bill for encouraging Privateers, and that for dividing St. Elizabeth Parish, to which the House agreed.

Other Bills referred to.

The Governor required the Minutes of the House to be laid before him.

Bill, for the better recovery of the money raised by an Act for raising money for providing an addition to the subsistance

1703.

of H.M. officers and soldiers, sent up, was read the first time and committed.

A second Conference was appointed to make a new draught of the Bill for the encouragement of privateers, the House having agreed to the most material of the amendments.

July 23. The Council sent a message to the House with their reasons (*given*) against re-enacting the whole body of Laws, on account of which they continued of opinion that such things as want amendment may best be done by a supplemental and explanatory Law, to be past together with an Act of confirmation.

Message sent up: Our House hoped they had given your Honours a satisfactory answer to your Message of June 5, relating to the Port Royal Bill, by their messages of June 16 and July 6, but finding by your message of June 21, that you do insist still for a Conference, we having a dew regard for this Honourable Board, and that all misunderstandings may be prevented, desire a free Conference on the subject matter of the several messages sent by both Houses, by which we hope matters may be accommodated for the good and welfare of the country.

Free Conference appointed for Tuesday accordingly.

Bill for encouragement of privateers *etc.* sent up.

A Joint-Committee was appointed to confer upon the subject matter of the Act for better recovery *etc.* (July 22).

The Clerk was ordered by the Governor to remind the Speaker of laying the Minutes of the House before him. Message sent up, that they should be laid before him as soon as writ out. [*C.O.* 140, 6. *pp.* 507–512.]

July 22. Whitehall. **937.** Council of Trade and Plantations to the Queen. In obedience to your Majesties Order in Councill, July 11, we have received from Mr. Penn a certificate of security given in the Exchequer for 2,000*l.* that John Evans shall duly observe the Acts of Trade, in the same form as has been done for other Propriety Governments; as likewise a declaration and promise under Mr. Penn's hand that your Majesties approbation and allowance of the said Evans to be Deputy Governour of the said Province and Territories shall not be construed in any manner to diminish or set aside your Majesties claim of right to the three Lower Counties on Delaware River; whereupon we are humbly of opinion that your Majesty doe grant your royal approbation of the said Evans to be Deputy Governour of Pennsylvania without limitation of time, and of the Three Lower Counties during your Majesties pleasure only; and we doe further humbly lay before your Majesty *a Draught of instructions for Mr. Penn relating to the Acts of Trade to the like effect as have been given to him and all other Proprietors of Plantations upon the like occasion. Signed,* Darmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 1290. *pp.* 356, 357.]

July 22. **938.** Journal of Assembly of Jamaica. Capt. Thomas Freeman and Andrew Orgill, departing the House without leave, resolved that they lie under the censure of the House, and ordered that they be sent for and pay 5*l.* each to the Clerk.

Message sent up to desire of the Governor to know when there will be a Council, but the Governor was abroad.

Resolved that all the absent members be sent for in custody.

Act for the better recovery of money *etc.* read the third time.

Valentine Mumby was granted leave to go to Kingston.

And see Minutes of Council in Assembly under date.

The Speaker signed a warrant for Tho. Hudson, Ja. Archbold, and Will. Vassall.

July 23. Ordered that the Act for the Ferry between St. Andrews and St. Katherine's, and the Act for the Bridge at Passage Fort and the Act for building the bridge at the Ferry be committed to the same Committee that have the Bill in charge for clearing Rio Cobre above and below Caymanas.

And see Minutes of Council in Assembly under date.

Bill declaring it high treason to counterfeit the broad seale of this Island read the first time.

Bill for encouraging privateers read three times with amendments, and sent up.

Bill confirming the will of Ann Archer read the first time.

Major John Ellis, senr., and Wm. Nedham were granted leave of absence to-morrow.

July 24. William Vassall attending in custody was discharged on paying his fees (1*l.* to the Clerk and 3*l.* to the Messenger), he asserting that indisposition was the occasion of his not attending sooner.

The Messenger reported that Capt. Hudson and Capt. Archbold were both very ill. (*See July* 22.)

The House agreed to some amendments to the Bill for the better recovery of the money raised *etc.*

100*l.* ordered to be paid to John Gay, Clerk of the Assembly.

Bill for the better collecting H.M. quit-rents read the second time and ordered to be engrossed, with the title, An Act for ascertaining the quit-rents and manner of receipt thereof.

Capt. Thomas Freeman misbehaveing himself by swearing in the House and other contemptuous behaviour, he was ordered to be taken into custody of the Messenger.

And see Minutes of Council in Assembly under date. [*C.O.* 140, 7. *pp.* 72–77.]

July 22.
Boston.
939. Minutes of Council of the Massachusetts Bay. Capt. John Browne and his brothers were fully heard. (*See* July 15.)

July 23. Their petition was dismissed, petitioner not having passed through the Courts of the Common Law, and so the matter not properly brought to this Board.

The resignation of Mr. Addington, on account of the decay of his health, was accepted. (*See* July 16.)

July 24. Upon intelligence just now received of a French privateer lying in or about Tarpolin Cove or Martha's Vineyard, that had surpris'd and taken several coasting or provision vessels, Capt. Daniel Plowman, commander of the briganteen *Charles*, a private man of war, and his owners were sent for, and proposals made and agreed to for the enforcement of her with an addition

1703.

of men, and sending of her forth on a cruise in quest of the enemy. [*C.O.* 5, 789. *pp.* 519, 520.]

July 22. **940.** Minutes of Council in Assembly of the Massachusetts Bay. Tax Bill sent down, with a message that there is no vote of the Representatives to the vote of the Council thereupon, and that it is expected they pass the Bill in the accustomed manner for payment of the public debts, and making good the fund for the Bills of Credit emitted, which by two several Acts already pass'd they have engaged to do.

Report of the Committee upon the petition of John Campbell, Post Master, sent up with an amendment for an allowance to be made to him of 10*l.* for the time past and 20*l.* for the year ensuing, and that he be freed from impresses, traynings and watches during his employment as Post-master, agreed to.

196*l.* 7*s.* 5*d.* paid to Andrew Belcher for payments made by him on H.E.'s late voyage Eastward, and for what was given to the Indians.

The Tax Bill was again sent up from the Representatives with the vote of that House thereupon, adhering to their former vote. Whereupon H.E. summoned them to attend, and intimated to them that the clauses of restriction were such an alloy to the Government and derogatory to the powers granted by the Charter to himself and the Board, who were the standing Government, that he could not consent thereto, but expected the Bill to pass in the usual forme, and the fund for the Bills to be made good, and dismist them.

The Council then revived their vote of yesterday and sent it down.

Bill, for reversing the attainders of Abigail Faulkner and others for witchcraft, was read a first and second time.

July 23. The latter Bill was read a third time and sent down.

Report of Committee upon the fortifications of Castle Island was approved and sent down. They recommended the finishing of certain platforms and the construction of a guard-room, vaults etc., which, including a debt of 200*l.* already contracted in the work, Col. Romer undertook to perform for 1,000*l.*

Message sent down to move the House to have further consideration of the clause of restriction in the Tax Bill, as also for an allowance to be made to H.E. for his service in the Government for the year commenced, and of what fell short the year past.

Bill in addition to the Act for settling the bounds and defraying the necessary charges arising within each respective County was again read, and carried in the negative.

Bill for granting unto H.M. a tax upon Polls and Estates was sent up again, agreed to with the withdrawing of the clause of Restriction. A resolve of the House of Representatives was sent up with it:—That it is the undoubted priviledge of this House, that their concurrence be had in the particular application and disposal of all and every sum and sums that are put into the Treasury, so far as it can be practised. Which was read.

1703.
July 24. Petition of the Selectmen of Sherborne, setting forth that the Town of Framingham hath for two years past assessed and collected part of their Province tax upon a considerable number of the inhabitants of Sherborne, whose respective proportion in Sherborne's assessment amounts to 6*l*. 14*s*. 9*d*., sent up with an order of the Representatives that the Treasurer defer the demanding of that sum of the Constable of Sherborn until this Court shall give further order, read and concurred with.

Resolve of the Representatives agreed to that James Taylor, Treasurer, be paid 200*l*. for his service in that office last year; Elisha Hutchinson, John Phillips and James Converse 8*l*. each, for their time and expense in waiting on H.E. in his late journey to the Eastern Indians; John White, Clerk of the House, 14*l*. for his salary; William Stanton, Purser of H.M.S. *Gosport*, 6*l*. for his extraordinary expenses in beer, wood, candle, when the ship waited on H.E. in his late voyage eastward; James Maxwell, Doorkeeper, 30*l*. salary.

The Declaration of the Council, of 21st inst., upon the clause of privilege contained in the deed of the lands upon Mounthope Neck, being not agreed to by the House of Representatives, the Council voted that they are of opinion that the former part of the said clause is expired and determined, being to continue onely dureing that Government, and that the latter part of the said clause referring to entring and clearing of ships and vessels, was at the time of executing the said deed, and still is contrary to diverse Acts of Parliament, which H.E. is sworn to see duly observed.

Bill in addition to the Act for regulating townships was read a second time.

Resolve sent up from the Representatives for allowing 300*l*. to be paid out of the first part of the tax to H.E. the Governor towards his support in the management of the Government, was read and sent back to the House with a message to reconsider the same. [*C.O.* 5, 789. *pp*. 849–854.]

July 23.
Whitehall. **941.** William Popple to William Penn. The Council of Trade and Plantations having had notice from Lord Cornbury, May 29, that he had had some letters from Philadelphia which informed that they had lately held Courts of Judicature there in which they have condemned people to death by Judges that are Quakers, and by a Jury of Quakers, and neither Judges nor Jury under any oath, which proceedings have very much startled the Gentlemen of the Church of England in Pensylvania, their Lordships therefore desire you would give particular directions to your Deputy Governor, and use all other means for putting a stop to such undue proceedings. [*C.O.* 5, 1290. *p*. 358.]

July 23.
Whitehall. **942.** William Popple to Sir Edward Northey. I enclose a Collection of the Laws of New Hampshire, upon which the Council of Trade and Plantations desire your opinion in point of Law as soon as may be, and particularly as to the Act for confirmation of town grants, and an Act to prevent contention

and controversy that may arise concerning the bounds of the respective towns within this Province, which their Lordships consider fit to be repealed, as seeming to entrench upon the rights of particular persons. *Annexed*,

942. i. List of Acts of New Hampshire enclosed. [*C.O.* 5, 911. *pp.* 97–103.]

July 23. Whitehall. **943.** William Popple to the Lord Bishop of London. *Enclosing* copies of two Acts of New Hampshire, concerning marriages *etc.*, and for maintenance of the Ministry. The Council of Trade and Plantations desire your Lordship would favour them with your opinion. [*C.O.* 5, 911. *pp.* 103, 104.]

July 23. Virginia. **944.** Governor Nicholson to the Council of Trade and Plantations. I am extreamly troubled and concerned that I cannot give your Lordships an account that the Assembly hath complyed with H.M. royall commands concerning the 900*l.* for New Yorke, but I hope in God it will appear to your Lordships both by the Journalls of the Councill and Councill in Assembly, and of the House of Burgesses, that I endeavoured what in me lay, that they should have been more dutifull and obedient to H.M. royall commands. I must confess that the people of the country are generally against it: but with humble submission, if H.M. will be pleased to repeat her commands concerning the said 900*l.*, I propose that H.M. will be pleased to signify her royall resentment, especially to H.M. Councill here, who I think have acted very much contrary to their duty to H.M., if not to the oath they have taken in that affair. Mr. Blair and Coll. Carter were the persons that drew up the Address. Mr. Secretary Jennings, tho' he was appointed to be one, was at that time indisposed. To give your Lordships a true and full account of this affair, as likewise of the state of this H.M. Colony and Dominion of Virginia in all respects, more particularly concerning the Laws, I have proposed to him to go and wait upon your Lordships, which I hope in God he will do by the next convoy on Sept. 16, his so doing I humbly conceive being both for H.M. interest and service. I propose to send by him copys of the Laws which the Revisors have finished, as likewise of those now in force, it not being possible for his going now, because there will be such a great deal of writing both of the Laws and other things, I hope that your Lordships will be pleased not to take it amiss that he waits on your Lordships no sooner, but I hope in God, that what I design to send by Mr. Secretary, and the account that he will give your Lordships, will be to your satisfaction, and so answer my design of his going for England. So soon as our General Court was done, in the latter end of April, I went for New York, where I had the honour and happyness of meeting H.E. my Lord Cornbury; and I had the good fortune of fully discoursing affairs with his Lordship concerning H.M. interest and service; and we agreed in every thing and I hope we have intirely settled a correspondence which may be for them. H.E. Coll. Dudley was not there; but if

1703.

Coll. Seymour should arrive early in the Fall, and can possibly go to New York, I will endeavour to go along with him. H.E. my Lord Cornbury I don't doubt hath given your Lordships an account of the principall things of which we discoursed, and particularly of what I spoke to his Lordship about the proposall which he had made to your Lordships concerning attacking Canada, it was that, with his Lordship's good liking (which he approved of) I would most humbly propose to your Lordships (which I do now doe) that I might either be the next person in command to him, or go with his Lordship as a Voluntier, and either of these without any charge to H.M.; for I think my self every way in duty obliged to serve H.M. with my life and the small estate I have, whenever H.M. interest and service requires it. I did not know how prejudicial it might be to them in case the French should have intelligence that the Assembly here had not complyed with H.M. royall commands concerning New Yorke; for it was too publick and they might think there was some misunderstanding between the Governours: therefore I went my self, and preferr'd my Lord my own Bills of Exchange for the 900*l.* which he took and was pleased to give me a receipt for them, and herewith is a copy thereof, which is most humbly transmitted to your Lordships. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 5th, Read Oct. 8, 1703. 3 *large pp.* *Enclosed*,

944. i. Abstract of preceding. 1 *p.*

944. ii. Lord Cornbury's receipt for 900*l.* received from Governor Nicholson for the Quota of Virginia, July 23, 1703. *Endorsed*, Recd. Oct. 5, 1703. *Copy.* ¾ *p.*

944. iii. Address from the Council of Virginia to H.M. in answer to H.M. Letter relating to the Quota for New York. April 10, 1703. *See supra pp.* 342–344. *Signed* by the Council. 1 *large p.* *Endorsed as preceding.*

944. iv. Address from the House of Burgesses of Virginia to H.M. in answer to H.M. Letter relating to the Quota for New York. April 10, 1703. *See supra pp.* 344–346. *Signed* by the Assembly. 1 *large p.* *Endorsed as preceding.*

944. v. Copy of Address of Burgesses of Virginia to H.M. relating to the Quota. Sept., 1701. [*See Calendar A. & W.I.* 1701. *No.* 893.] 1 *large p.* [*C.O.* 5, 1313. *Nos.* 25, 25.i.-v.; *and* (*with enclosure* ii. *only*) 5, 1360. *pp.* 418–422.]

July 23. Whitehall. **945.** Earl of Nottingham to the Council of Trade and Plantations. I send you herewith the extract of a letter which I have received from Sir Bevill Granville, dated at Barbados, June 4th (*q.v.*), that you may be the better prepared for the representation to be made to the Queen of what is necessary for H.M. Plantations in America at such time as it shall be proper to lay the same before H.M. *Signed*, Nottingham. 1 *p.* *Enclosed*,

945. i. Extract of Letter from Governor Sir B. Granville to the Earl of Nottingham. Barbados, June 4, 1703. All

the account I am yet able to give your Lordship of this place is that I find it very sickly and the sickness very mortal: the Fortifications bad and in very ill order; the Militia, which is its best strength, by sickness and the difficulty of getting white servants from Europe, lessen'd to a degree very unequall to what the defence of it requires. *The whole endorsed*, Recd. Read July 27, 1703. [*C.O.* 28, 6. *Nos.* 100, 100.i.; *and* 29, 8. *pp.* 316, 317.]

July 23. **946.** Sir Edward Northey to the Council of Trade and Plantations. In obedience to your Lordships' Order of Reference, June 4, I have perused and considered of an Act passed at Nevis Decr. 21 last, entituled an *Act for the better securing and confirming the titles of land in this Island*, and do conceive the same not fitt to be confirmed, by reason that by the clause confirming the titles of lands in that Island to the possessors thereof, which are intended only to such possessors who have had possession thereof for seaven years; the word (or) being inserted for (and) as the same now stands, the possessors of land by disseisin at the time of the making the Act, though they never had possession for any time before, will be by this confirmed in such possession against all persons whatsoever. *Signed*, Edwd. Northey. *Endorsed*, Recd. 26, Read July 27, 1703. 1 *p.* *Attached*,

946. i. *Memorandum*, The Act of the same title passed in June, 1701, was repealed Dec. 21, 1701. [*C.O.* 152, 5. *Nos.* 32, 32.i.; *and* (*without Memorandum*) 153, 8. *p.* 203.]

July 23. **947.** Journal of Council of Trade and Plantations. Ordered that copies of two Acts of New Hampshire be sent to the Bishop of London and his opinion desired thereupon.

Upon further consideration of Lord Cornbury's letter, May 29, the Secretary was ordered to write to Mr. Penn. (*See supra No.* 941.) [*C.O.* 391, 16. *p.* 187; *and* 391, 97. *p.* 529.]

July 23. **948.** Minutes of Council of Jamaica. The Governor communicated to the Board a petition of 18 masters of merchantships now in Kingston Harbour, complaining that by reason of Admiral Graydon's impressing most of their men, and the sicknesse of others, they have not been able to get ready against the time limited by the Admirall for the sailing of the convoy, at the beginning of the next month, and praying that the convoy might be stayed till the 20th. The Council advised the Governor to send a copy thereof to the Commander of the convoy, and to recommend it to him as a thing very much for H.M. and our country's service, being it would be a great detriment to both if, for want of convoy, soe considerable a number of merchantships with their loading should fall into the hands of our enemys. Ordered accordingly.

156*l.* 15*s.* 6¼*d.* paid to Lt. Gov. Handasyd for the maintenance of several of H.M. soldiers, who by reason of the sicklynesse

1703.

of the places where they were quartered, were removed to St. Jago de la Vega, and have had noe quarters, some from January, some from February, and some from March.

147*l.* 2*s.* paid to Harvey Nicholls, Deputy Marshal, on account of expresses and other public charges disburst by him, May 26, 1702—Jan. 9, 1703.

86*l.* 1*s.* 6*d.* paid to Henry Brabant for expresses and other public charges.

8*l.* paid to Geo. Dawson, joiner, for a large table for the Council roome, and taking down a partition in the Queen's house.

20*l.* paid to William Barton for freight to Passage Fort and storage of H.M. artillery and stores of war sent up to this town, and for his boat impressed and damaged in bringing over the recruits from Port Royall.

271*l.* 14*s.* 0*d.* paid to Edward Betterton, Deputy Marshall, June 26, 1701—Feb. 8, 1703, for expresses and other charges disburst by him.

213*l.* 7*s.* 6½*d.* paid to Thomas Flower for materials and workmen for the fortifications at Port Royal and Old Harbour. [*C.O.* 140, 6. *pp.* 153–157.]

July 24. **949.** Minutes of Council in Assembly of Jamaica. Bill for encouraging privateers was read the first and second time. [*C.O.* 140, 6. *p.* 512.]

July 25. Philadelphia. **950.** Col. Quary to the Council of Trade and Plantations. I writ to your Lordships lately by two ships that sayled from this place, one Captain Puckle and the other Captain Watson, both bounde for London. I do very much doubt whether the letters will be convey'd safe. I gave your Lordships the present confused state of this Government, all things being at a stande. Since which is arrived 2 vessells from England and 3 more expected dayly. As yet I have received no letters. Here is arrived one Mr. Roger Mumpersons with a Commission from H.R.H. to be Judge of the Admiralty for this Province, and all the rest of the Governments on the Main, to New Hampshire. I am very glad that I am superceeded, and do heartily wish that I never had been concerned. I am very well assured that Mr. Penn's malice and revenge will never leave pursuing me till he ruines me, unless prevented by your Lordships' favour and protection. I am no ways surprized at this new Commission, but must think it strange that Mr. Penn should be able to impose on the Government so farr as to preferr a gentleman to be Judge of the Admiralty for all North America, who hath given his opinion under his hand, that no seizing of ship or goodes for the breach of the Act of Trade and Navigation and the Act of the 7th and 8th of the last reign, ought to be in the Plantations but by Juryes, and that the Admiralty hath no power or jurisdiction in any place within the sight of lande, so that by this gentleman's opinion the Act of Parliament and all the Commission and proceedings of the Admiralty are all damn'd at once.

Your Lordships may please to know that when Mr. Penn came last to America, he brought with him this gentleman's opinion under his hand, which he was pleased to show me in hopes to have swayed my judgment. I thought it very extravagant, however, after I had viewed it, I desired him to give me an authentick copy and to attest it, which I have now by me, and have enclosed a copy of it, for your Lordship's perusall. Mr. Penn by sending this gentleman, who hath been his Council for many yeares, hath so magnify'd his great interest, that there is nothing too hard for him to effect. They goe on now to exercise all the powers of Government againe without any qualification at all, they say they know the worste and doubt not but that the Queen will forgive them. It is the generall discourse of the Quakers, that the Lords of Trade and Plantations are Mr. Penn's enemies, but that he vallues them not, haveing a greater interest than all of them, and shall be able to carry on all his designes in spite of them all, this I am very well satisfyed comes from Mr. Penn himself. For his Secretary, Mr. Logan, tolde a very worthy gentleman in this country, Mr. Jasper Yeats, the very same wordes in effect. Mr. Penn hath recommended to his friends here that they doe amongst them settle 200*l*. a year on the new Judge, which they say will be speedily done. But Mr. Penn and all his friends have designed me for ruine, which they threaten hard. I will not enlarge, but referre to the enclosed opinion, which I humbly desire that you will please to peruse and consider whether the Admiralty can any ways answer any one end proposed for H.M. service. I will now proceed to acquaint your Lordships with two things of great consequence in order to H.M. service. The first is that since the fatall miscarriage against the French at Guadalupe, Antegua and all the Leeward Islands are under a very great consternation, being very apprehensive of the French. All French inhabitants of Guadalupe are forced to goe a privateering, their provisions being destroyed. There is a great number of vessells fitted out from Martinico, they are so bold that they land at one place or other every day, and plunder and take off negroes, so that the people are soe harrassed and allarmed, that all who are able to get off, do dayly. We have had here already four vessells with passengers; yesterday came in a ship from Antegua with above forty passengers. I sent for the Master and discoursed him, who tells me there are a great number of inhabitants gone to Carolina and severall to other places to the northward. I asked him whether the Governor did put any stop to the inhabitants leaving the Islands, he told me there was no embargo, but that the Governor was very uneasy to see so many of the most able men in all respects quitting the Islands. All the force they have to secure the Islands by sea, is only a small man of war of 26 guns, and the French have severall privateeres from Martinico of greater force. If some speedy course be not taken, it is generally concluded that on the first arrivall of a squadron of French men of warr all the Leeward Islands will be lost. The next thing that I have to lay before your Lordships is, a proposall for securing the trade of America and distressing the French for provisions. All the trade from North America from Barbadoes,

1703.

Jamaica and all the Leeward Islands is twice a year with provisions and return with the produce of those Islands. I propose that the severall Governours of the Plantations on the Main, do order an embargo on all vessells, and not suffer any to go but in fleets or under convoy, that the times of these fleets going, both in the spring and towards winter, ought to be agreed on by the severall Governours, as also the place of making up the fleet, that the ships of war that are ordered to attend New York and New England be ordered to convoy this fleete, by which means it will be of no charge to the Queen, that the convoy which goes with the fleet in the spring doe return back with them as soon as they can be loaded, and that when they goe towards the winter, that they stay and cruise about the Islands till the middle of March, where they may doe great service against the French and Spanyard, whereas shoulde they continue at New England or New York, they woulde be shutt up with the ice and doe the Queen no service at all. The French have no supplys from France with provisions, nor can their Islands be furnished in time of war, but by intercepting our vessells. When our Forces were at Guadalupe, all the French Privateers were called in, so that they were so distressed for provisions at Martinico, that beef was sold there for 10*l.* or 12*l.* a barrell, but now that they are at leisure to send out all their force in Privateers, they will have provisions plentyer than we have. All which would be prevented if single ships were not suffered to goe into their mouths, but all obliged to goe in fleets under convoy. This would also prevent the carrying so much provisions to St. Thomas, which is in effect the same as carrying it to Martinico. Were this proposall duly pursued, it would effectually secure all the trade of the Main with H.M. Islands, and so distress the French that they would not be able to victual their Privateers for want of beef, pork, flower or bread, nor would they be able to subsist in their Islands. I believe this proposall would be approved of by all the Governors in America and by all the merchants. The Dutch at Curesaw have called in all their Privateers and have now a free and open trade with the Spaniards, far greater than ever. This gives verry great dissatisfaction to H.M. subjects to have their hands tyed up whilst the Dutch engross all the trade. *Signed,* Robert Quary.

Inclosed is a copy of Mr. Penn's Commission by which your Lordships may see how cunningly he hath shifted off the Government of the three Lower Counties; he hath named them but Grants, no other power for the government of them then what is given to him in his Letters Patents, which he very well knows is nothing; and that they are not so much as mentioned. And though these Gentlemen of his Councill will not quallifie themselves, yett they are resolved now to execute all powers of Government, and depend on H.M. pardon, which Mr. Penn can have for asking. *Signed,* Robert Quary. 4 *pp.* *Enclosed,*

950. i. Abstract of preceding. *Endorsed,* Recd. 18th, Read Oct. 21, 1703. 2½ *pp.*

950. ii. Copy of Mr. Penn's Commission to the Council. William Penn, true and absolute Proprietary and Governour in Cheif of the Province of Pennsylvania and Territorys thereunto belonging, to all to whom these presents shall come sendeth greeting. Know ye that I have nominated, appointed and ordained my trusty and well beloved Friends, Edward Shippen, John Guest, Samuell Carpenter, William Clark, Thomas Story, Griffith Owen, Phineas Pemberton, Samuell Finney, Caleb Pusey and John Blunston, to be my Councill of State, for the Government of the said Province of Pennsylvania and Counties annexed, of whom any four shall be a Quorum, to consult and assist with the best of their advice and councill me or my Lieutenant or Deputy Governour for the time being, in all publick affairs and matters relating to the said Government, and to the peace, safety and well being of the people thereof, and in the absence of me and my Lieutenant out of the said Province and Territories, or upon my Lieutenant's decease or other incapacity, I doe by these presents give and grant to the said Edward Shippen, John Guest, Samuell Carpenter, William Clark, Thomas Story, Griffith Owen, Phineas Pemberton, Samuell Finney, Caleb Pusey and John Blunston, or any five of them, to exercise all and singular the powers, jurisdictions and authorities whatsoever to me and my heirs by virtue of the Royal Charter or Letters Pattent of King Charles II, given and granted, that are or shall be necessary for the well governing of the said Province and Territorys, and for the administring, maintaining and executing of justice and providing for the safety and well being of the said people during such absence, they and each of them, the said Edward Shippen, John Guest, Samuell Carpenter, William Clark, Thomas Story, Griffith Owen, Phineas Pemberton, Samuell Finney, Caleb Pusey and John Blunston to continue in place, till my further order shall be known. And I doe further hereby grant to my Lieutenant-Governour for the time being, full power and authority upon the decease or removal of any of the said Councill to nominate and appoint others to serve in their place and stead, also to add to the number of Councill now appointed and to appoint a President of the said Councill, when and so often as my said Lieutenant shall see cause, and in case he shall not appoint a President, then the first named or the next to him shall and is hereby empowered to take the chair. Given under my hand and Great Seale of this Province, at Philadelphia, October 28, in the thirteenth year of the reign of King William the Third over England, etc., and the one and twentyeth of my government, Anno Domini 1701. *Signed*, Wm. Penn. 1 *p*.

1703.

950. iii. Duplicate of preceding.

950. iv. Duplicate of preceding. [*C.O.* 5, 1262. *Nos.* 43, 43.i.-iv.; *and* 5, 1290. *pp.* 371–383.]

July 26. Virginia. Williamsburgh. **951.** E. Jenings to [?]. *Returns thanks* for his Lordship's favour in forwarding his continuance as H.M. Secretary. *Refers to* Journals of Assembly. I have reason to believe the proceedings of the Assembly, relating to the Quota for New York, will not be acceptable to H.M. His Excellency often repeated H.M. commands, pressed arguments and offered means to induce and enable them to a compliance and convince them New York is of consequence to this country, the contrary of which, and the pretence of present inability they offer as chief reasons with an Address to H.M. for their excuse. H.E. having received H.M. Letters Patents to continue him Governor, they were published the 13th inst., and H.E. took the appointed oaths, and administered them to the Councill that then attended. The renovation of H.E.'s causes the like of all Commissions here, wch. requiring some time a full State can't be timely prepared to send your Lordship by this convoy, but all diligence shall be used to gett them ready with the Laws in force, and those directed and agreed on by the Committee by H.M.S. *Guernsey*, with which H.E. has thought of sending some qualifyed person to attend H.M. on any occasion that may occur thereon.

The last General Court was held in the Capitol, which is in such forwardness that the next Assembly may sett there; 'tis a very commendable building, convenient for all publick offices, and believe not to bee paralleled in H.M. Dominions in America; the particulars and charges will be laid before your Lordship. The sayleing of this Fleet advances the Revenue to discharge the establishment and contingencies, which by the smallness of the last crop was afraid would have fallen short. I shall not further add to your Lordship's trouble then to assure your Lordship of the Peace and quiettness of the country and the probability of good crops and price to the satisfaction of the inhabitants *etc.* *Signed*, E. Jenings. *Endorsed*, [*Recd.*] Oct. 5, 1703. *Holograph.* 3 *pp.* [*C.O.* 5, 1340. *No.* 5.]

July 26. **952.** Journal of Assembly of Barbados. Adjourned for lack of a quorum.

July 27. Adjourned for lack of a quorum. [*C.O.* 31, 7. *pp.* 85, 86.]

July 26. **953.** Journal of Assembly of Jamaica. The House met and adjourned.

July 27. Amendments to the Bill for the better recovery of money read twice.

Bill for making good the will of Ann Archer read the second time.

Capt. Freeman having in contempt of the authority of the House departed the town after he was ordered into custody of the Messenger, resolved that the Messenger bring him in custody to the barr this day sennight.

1703.
July 28. The Committee reported from the Conference that they had insisted upon its being a money bill and therefore could not conferr thereon, and the Gentlemen of the Council persisting for a conference, the Committees broke up. [*C.O.* 140, 7. *pp.* 77–79.]

July 26. **954.** Minutes of Council in Assembly of the Massachusetts Bay. Bill for granting unto H.M. several dutys of impost and tunnage of shipping, sent up, was read a first time.

A Resolve for giving succours and assistance to the neighbouring Provinces and Colonys of New York, New Hampshire, Connecticott and Rhode Island, at any time until the end of the session of the General Assembly in May, 1704, was passed and sent down for concurrance.

Resolve sent up, for paying 22*s*. to Samuel Tyley for the charge of a Committee of both Houses that sat there upon Mr. Usher's accompts, agreed to.

Order sent up that the Treasurer receive of Edward Brumfield three indented Bills of Credit of the late Colony of the Massachusetts Bay, which are not indors'd by the Treasurer, and pay 4*l*. 5*s*. for them (their face value), agreed to.

Bill relating to Molato and Negro slaves read a second and third time and passed to be engrossed.

Declaration of July 24th upon the claims of Bristol sent down to the Representatives for their concurrance.

July 27. Bill for granting imposts etc. read a second and third time and agreed to be engrossed.

Resolve of the Representatives July 24 for paying 300*l*. to H.E., was sent up again without any alteration. Whereupon a Message was sent down for an explanation thereof, whether it was a gratuity or payment for service and for what time, and to move the consideration of the House for a suitable and honble. allowance to be made H.E. agreeable to his station as H.M. Governour for the year currant.

Engrossment of the Bill for reversing the attainder of Abigail Faulkner and others, sent up, was read and agreed to be enacted.

Engrossment of the Bill for granting H.M. a tax upon Polls and Estates, sent up, was read and agreed to. H.E. consented to and signed the same.

Petition of Elisha Hutchinson, sent up, was read.

Resolve of the Representatives, that the sum of 700*l*. be paid for discharging of the debt already contracted in fortifying Castle Island and for the finishing those works agreable to the computation of Col. Romer (etc., July 22), read and agreed to.

Bill sent up relating to the prosecution of Appeals in bar or abatement, sent up, was read a first time.

July 28. The further Declaration of the Council referring to the priviledge claimed by Bristol, returned from the House of Representatives not agreed to, was sent down again with a message to move the reconsideration thereof in that House.

Order passed, referring to the additional dutys of impost secured by bond, was sent for concurrance.

1703.

Order sent up, that there be 20 suitable beds and bolsters, with a blanket to each bed, procured at the public charge for the lodgeing of the souldiers at the Garrisons at Saco and Casco, there having been no beding hitherto provided for that occasion, agreed to.

Engrossment of the Bill relating to Molato and Negro Slaves, sent up, was read and passed.

H.E. summoned the Representatives to attend, and spake to them concerning the Bill for assistance to the neighbouring Governments, the votes relating to the priviledge claimed by Bristol, and reminded them of a suitable support for the Governor, Lt. Governor and Justices of the Superior Court. [*C.O.* 5, 789. *pp.* 855–858.]

July 27. **955.** Minutes of Council in Assembly of Jamaica. Bill for the better recovery of the money raised etc. (*July* 22) sent down with amendments. [*C.O.* 140, 6. *pp.* 512, 513.]

July 27.
Boston. **956.** Minutes of Council of the Massachusetts Bay. Charles Redman of Puncapoag being convented upon complaint made by William Ahawton, Indian, that he trespasses upon him by cutting his grass on Beaver Meadow lying in the Indian Plantation of Puncapoag, Redman produced a lease of the meadow, May, 1702, from Jeremy Momentaong, Indian, which the Council declared to be null and void, being expressly contrary to a Law of this Province prohibiting the leasing of land of any Indian without a licence.

July 28. The General Assembly being then sitting, H.E. intimated a General Council to meet on Aug. 5, for the nomination of Civil Officers. [*C.O.* 5, 789. *pp.* 520, 521.]

July 28. **957.** William Popple to Lt. Gov. Bennett. Your letter to me of Aprill 3 has been laid before the Council of Trade and Plantations, who have thereupon ordered me to send you the inclosed copies of their letters, which you say you have not received. The occasion of the miscarriage of some of those letters may have been that they were sent under cover to the Continent; but that method not having been continued, but all letters of late sent by way of Barbados, I hope they will have come duly to your hands. Their Lordships have in several of them exprest what they desire from you, to which they therefore expect your particular answer; and more especially to their notes upon Mr. Larkin's letter, inclosed in mine, which you acknowledge to have received; and likewise to their last letter of June 18, whereof you have here inclosed a duplicate. In the meantime I am to acquaint you from their Lordships that during the dispute with Mr. Larkin, they have frequently received letters from him, but none from you to any purpose. And they particularly observe that whereas your last letter is dated Aprill 3 referring to further accounts to be transmitted in your next, they have received letters from him of Aprill 12 and 22 from Bermudas giving an account of transactions relating to his imprisonment and discharge till that time, and of May 21 from Antegoa acquainting them with his arrival there. Upon all which I am ordered to tell you that they expect a full and clear account of Larkin's affair and of all others relating to your Government. [*C.O.* 38, 5. *pp.* 417, 418.]

July 28. Whitehall. **958.** Council of Trade and Plantations to Governor Codrington. You have here inclosed a duplicate of our last letter, June 18. We have not since received any from you, nor any authentic account of the late expedition against Guardaloupa, but are sorry to understand that your not writing has been occasioned by your great indisposition; we hope we may soon hear of your recovery, and have an account of all transactions relating to your Government from your self. We have only to acquaint you at present that a Petition having been presented to H.M. that Collonel Walter Hamilton may be constituted Lieutenant Governour of St. Christopher's, and the same having been referred to our consideration, we have reported the advantagious character you have given us of him; and a Commission is passing accordingly, which will be sent him by his correspondent who sollicits that matter. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Matt. Prior. [*C.O.* 153, 8. *pp.* 204, 205.]

July 28. Whitehall. **959.** Council of Trade and Plantations to Governor Sir B. Granville. We have not yet received any account from you of your arrivall in Barbados, nor anything of the present state of the Island according to the particulars directed by your instructions, which ought to have been done by the first opportunity. But having received from the Earle of Nottingham an extract of some general expressions in your letter to him of 4th of June, relating to the state of that island, upon which his Lordship seems to expect that we should lay some report before H.M., we desire you to send us a very particular account thereof in relation to the fortifications, the ordnance, the stores of warr, the Militia, and whatever else concerns the defence of the same, that we may thereby be inabled to report as there shall be occasion. And in the sending that account of the state of the island, it is more especially fit to mind you of a general direction proper to be observed in time of warr, vizt., that a weight of lead be fastened to all your packets, and the person to whose care they are committed be directed, in case of imminent danger, to throw them overboard. In perusing lately the Minutes of the Councill of Barbados, from August 25 to November 10th last, we find several articles relating to the sending of a flag of truce to Martinico, and more particularly the desire of Mr. Charles Thomas to fetch off severall debts from thence. These are pretences which have sometimes been made use of for ill purposes. But tho' we have nothing to say upon what past thereupon at that time, yet it is fit that we minde you to be very watchfull in all such like occasions against the importation of French or other European commodities, and to take care that there be no connivance at the indirect and illegall trade which may be

1703.

carryed on under that specious pretence. We desire your care in sending forwards the inclosed letter to the Lieut. Governour of Bermuda. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 29, 8. *pp.* 318-320.]

July 28. Whitehall. **960.** Council of Trade and Plantations to Lt. Gov. Handasyd. Enclose duplicate of June 18. We have not yet received any letter from you, so are still in expectation of the particular accounts of the administration of the Government of Jamaica, which we have several times desired; and in relation thereunto, we have only further to inform you that lest the Instructions given to former Governors should not have been left with you so compleat as may be fit for your direction in all things committed to your care, we have thought it necessary, to prepare a new draught, which H.M. has been pleased to approve. And the same are here inclosed. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 138, 11. *p.* 2.]

July 28. Virginia. **961.** Governor Nicholson to the Council of Trade and Plantations. I most humbly beg your Lordships would be pleased to accept of the humblest of my duty, and thanks for your repeated favours to me, and more particularly concerning H.M. having been graciously pleased to renew my Commission for this Government; which I have had the great honor and happiness to receive as likewise H.M. royall Instructions; all which I shall, God willing, obey to the utmost of my power. It hath been industriously reported here that H.M. had been pleased to appoint the Earl of Portmore to be my successor, and now lately that the Earl of Granard should, and that I was turn'd out of the Government for male-administration etc. To loose the Government on that account I must confess would be the greatest trouble and grief to me in the world; in all these cases I have nothing else to do but to obey H.M. royal commands, but withall to throw myself at her royal feet and become an humble suppliant to her most sacred Majesty, that if any person whatsoever accuse me of any crimes or misdemeanors and breach of my royal Commission and Instructions, or any commands received pursuant thereunto from your Lordships, or H.M. Secretary of State, that he or they be obliged to give it under his or their hands, and security to prosecute and to answer me, where H.M. will graciously please to order them to be done, for I hope in God, I shal not only be able to clear myself, but to make my accusers appear ill people etc., for I am not conscious to myself that I have willfully done anything which might cause H.M. to turn me out of the Government for crimes and misdemeanors; and I'm in hopes that I may not lose the Government on those accounts without first being heard. I have an account from England that your Lordships have been pleased to speak favourably of me, and by all the letters which I have had the honor to receive from your Lordships, you have been so far from finding fault with me that your Lordships were generally satisfyed with what I had done; for which I am only

1703.

capable of returning your Lordships my most hearty thanks, hoping that God Almighty will be graciously pleased to enable me to discharge my duty in all respects, whilst I have the honor and happiness to be H.M. Governor here, and under your Lordships' directions: likewise that I may be able to keep and preserve this H.M. Country in peace and quietness. I'm in hopes that tho' some few people have been dissatisfyed with me, and discontented, it will not be taken as if the Country were so; for thank God, 'tis quite otherwise, and if they are dissatisfyed, it is with those few my enemys and adversarys. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 5, Read Oct. 8, 1703. By Capt. Christopher Fogg, H.M.S. *Falmouth*. 1¼ *pp.* *Enclosed*,

961. i. Abstract of preceding. [*C.O.* 5, 1313. *Nos.* 27, 27.i.; *and* 5, 1360. *pp.* 424–426.]

July 28. Bristol. 28th. 5m. (July.)

962. William Penn to the Council of Trade and Plantations. Honble Friends, I had yours by ye hand of yr. Secretary by ye last post, and that I may be able to send you such an answear as becomes me, I must beg the favour of a coppy of yt. part of the Lord Cornberry's Letter wch. regards Pennsylvania, that I may the better informe myselfe of wt., where and when, and who and how it fals under the notice of yt. Lord, as well as how his accounts come to be so surprizeing agst. my Government, and I do assure you, my answear shall be disptcht. with all possible speed and respect by Your Faithfull Friend, Wm. Penn. *Endorsed*, Recd. Read Aug. 3, 1703. *Holograph.* 1¼ *pp.* [*C.O.* 5, 1262. *No.* 44; *and* 5, 1290. *p.* 359.]

July 28. Whitehall.

963. Journal of Council of Trade and Plantations. Letter to Lieut. Governor Handasyd signed, and Instructions enclosed.

Letter to Governor Codrington signed.

Letter to Governor Sir Beville Granville signed.

Letter from the Secretary to Lt. Gov. Bennet was approved, and ordered to be sent together with all the forementioned letters by the packet boat now about to sail from Plymouth.

July 29. Letters to Governor Nicholas, Governor Dudley and Governor Lord Cornbury signed. [*C.O.* 391, 16. *pp.* 189, 190; *and* 391, 97. *pp.* 537–541.]

July 29. Whitehall.

964. Council of Trade and Plantations to Governor Nicholson. We herewith send you a duplicate of our packet of Aprill 29, together with a letter dated May 21 relating to the Quota to be furnished for the assistance of New York. We have received one from you dated March 13 last, wherein you mention your intention, upon H.M. letter which had before been sent to you concerning that Quota, to move the Assembly therein; and we hope you have accordingly prevailed with them. A great part of this letter and the papers inclosed, being concerning Capt. Moody, wee thought it proper for us to transmit the papers which relate to him unto H.R.H. Councill for the affairs of the Admiralty, from whom we understood that they had already received the same from you. And as those matters doe lye

1703.

properly under their cognizance, and we have not heard either from them or otherwise of any complaints made by Capt. Moody against you, we can only assure you that if anything of that nature doe come before us (which we do not expect) we shall be far from censuring you without hearing, but rather be ready to represent the satisfaction we have always had in your conduct. Wee have taken into consideration your desire of an Attorney General for H.M. service in the Province under your Government; and having received from both the Lords Cheif Justices, and other persons eminent in the Law, a very advantagious character of Mr. Stephens Thomson, we have represented the same to H.M., and expect that he will be constituted Attorney General of Virginia accordingly. The Addresses to H.M., which you mention in your said letter, we have transmitted to the Earl of Nottingham. *Signed*, Dartmouth, Rob. Cecill, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 1360. *pp.* 401–403.]

July 29. Whitehall. **965.** Council of Trade and Plantations to Governor Dudley. Since our letter of the 29th Aprill whereof a duplicate was also sent in June by Mr. Usher, we have received yours of Aprill 4, May 10th and 16th, upon which we have laid a further report before H.M. of the state of the Provinces under your Government. We will use our best endeavours that H.M. may be pleased to send you some great gunns and stores thereunto appertaining. H.R.H. the Lord High Admiral has reported that the season of the year is now too far advanced for the sending the 4th rate ship of war, so as to be of any use in New England, till next year, upon which H.M. has been pleased to order the sending one very early the next spring, which you may expect accordingly. We must expect to hear from you the effect of H.M. letter upon the subject of your salary. As for the present of 500*l.* which the Massachusets Assembly have lately made you, that being done before H.M. letter, and nothing in their Charter nor in your Commission forbidding such present, you do not need any particular permission to receive it. We observe the difficulties you have met with in Admiralty cases, for want of a new Judge of that Court. As to the business of the cotton wooll, Mr. Byfeild being constituted according to your desire, we suppose you will proceed according to law, and H.R.H. Commission without any further direction from us. The Earle of Nottingham has sent to Sir Henry Ashhurst concerning the Indian boy, and you will have an account of that matter from his Lordship. *Signed*, Dartmouth, Rob. Cecill, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 911. *pp.* 104–106.]

July 29. **966.** Council of Trade and Plantations to Lord Cornbury. Since our last letter of the 29th April, whereof a duplicate is here inclosed, we have received one from your Lordships dated the 29th of May. We herewith send your Lordship the several letters relating to the Quota to be furnished by other Provinces for the assistance of New Yorke, vizt., by Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland and Virginia, together with copies thereof, that your Lordship in sending forwards the said letters may write accordingly to the respective Governours. And we desire you to give us an account of the answers you may receive from them. We writ your Lordship the 7th April that we were preparing a Report upon the Acts past at New Yorke the 27th November, 1702, which you had sent us in yours of December following; but we omitted to tell you in our next of the 29th of April, that we had been obliged to postpone the consideration of that Report untill we receive your answer to what we writ you the 26th of January, upon a list of Acts past during the administration of the late Earle of Bellomont and Captain Nanfan. And since in this letter now before us you promise us that answer by the next ships, we shall accordingly expect it. Whereas you have directed the Acts disallowed by H.M. to be taken out of the Secretary's office and destroyed, we cannot approve of that method; it not being proper to destroy any Record which for some time was in force, and to which recourse ought to be had upon occasion tho' not longer in force; nor has this method been practised in any other of H.M. Plantations. We very much approve your Lordship's resolution of reconciling the differences amongst the inhabitants of the Province. And as you say that no proceedings have been made in any Court by the Government, upon former resentments, but that Coll. Bayard has brought his private action against some of his Jury; we hope your endeavours for peace will likewise prevaile upon this as on other occasions. We have nevertheless to acquaint you that we have received application, by letter from Captain Nanfan, complaining of hardships he lies under, by being confined for summs of money upon account of the four companies, which he alledges in fact he did not receive. We doe expect that, besides the account of Captain Nanfan which your Lordships will send to my Lord Treasurer, you do likewise send us a copy thereof, and an explanation of the state of that whole matter. And in the meantime we do recommend to your Lordship that, for avoiding any imputation of espousing of parties, your Lordship would cause just and reasonable security to be taken for the said Captain Nanfan's answering the ballance of his accounts, in order to his being released from his confinement. The Countess of Bellomont having likewise applyed to us for obtaining a longer respit of all prosecution against her security at New Yorke, we send your Lordship here enclosed, for your information, a copy of her Ladyship's Petition and of the letter we writ to the Earle of Nottingham upon that subject, upon which we understand directions have accordingly been given you. *Signed*, Wm. Blathwayt, Robt. Cecill, Mat. Prior, Ph. Meadows. [*C.O.* 5, 1120. *pp.* 9–12.]

July 29.
St. Jago de la Vega.

967. Minutes of Council of Jamaica. The Governor communicated to the Board a letter from David Wavell, Commander of the Convoy, to the effect that he durst not infringe the least article of Admiral Graydon's orders Whereupon, and upon the merchants' repeated application for his stay, advised that the Governor write to him as follows, *concludes :*

The Governor and Council are very much surprised. It is not unknown to you how the breizes have been soe strong of late that it has been impossible for boates to ply to and fro and carry goods on board for the loading of the ships, nor can you be ignorant that most of the masters of the ships have been sick themselves, as also many of their seamen. All which, with the losse of those the Admirall took away has rendred it impossible for them to get ready within the time limited. Soe Admiral Graydon setting a certain day of sayle to the ships he orders for convoy of the merchantmen, without any regard to the time they can be laden, nay himself in a great measure impeding their dispatch by taking away their men, and making those orders so strict that the Commanders cannot recede from nor stay any longer for those that happen not to be ready on the day appointed, in this present case will make the convoy of no use to much the greatest part of the merchants' ships now here, which how it may be resented at home in case a losse happens thereby, is worth your consideration. The Governor and Council therefore hope you will comply with the merchants' request notwithstanding anything in the Admiral's orders seeming to the contrary, it being reasonably to be supposed that if the Admiral himself had been here, and made duely sensible of the difficulties and disappointments the merchantmen have lain under, he would have conceded so reasonable a request as for 14 or 15 days longer. They cannot conceive any reason you have to apprehend any blame in doeing it, but if any ships you leave behind, who would sail Aug. 20, should fall into the enemy's hands, they believe you may have some reason to apprehend the consequence.

236*l.* paid to Charles Chaplin, H.M. Receiver General, for money disburst by him, on the credit of a message of the Assembly, March 23, for the subsistence of H.M. officers and soldiers in the fortifications.

36*l.* 13*s.* 4*d.* paid to Nicholas Lawes, late Chief Justice, for salary from Feb. 8—May 26 last.

193*l.* 1*s.* 9*d.* paid to Major Henry Peirs, for 90 days salary *etc.* for officers and gunners of H.M. fortifications.

17*l.* 13*s.* paid to the same for petty expenses about H.M. fortifications.

Ordered that the Provost Marshall and his Deputies give in their accounts. [*C.O.* 140, 6. *pp.* 157–161.]

July 29. **968.** Minutes of Council in Assembly of Jamaica. Bill for the better recovery etc. (July 22), sent up with amendments agreed to by the House, was read a third time and passed.

Bill to confirm the will of Anne Archer, late of the parish of Kingston, sent up, was read and committed.

Message sent up with the reasons of the Assembly for re-enacting the Body of Laws.

1703.

Message sent down from the Governor to remind the House that the Bill for the Additional Duty expires on Aug. 6. [*C.O.* 140, 6. *pp.* 513-515.]

July 29. **969.** Minutes of Council in Assembly of the Massachusetts Bay. Engrossment of the Bill for granting unto H.M. several duties of impost *etc.* was read and H.E. consented to and signed the same.

The Order passed July 28 relating to the additional duties of Impost, concurred with by the Representatives, was sent up.

H.E. intimated to the Council that Lt. Col. Tyng was come from Dunstable to acquaint him that yesterday there came in thither two Indian men and Watanuman's sister from Pegwocket to inform him that two men of their company came lately from Chamlet near Mont Real where they saw 150 Indians armed gathered together and joined with some few French, i[*n*]tended to be divided into three Companys, one for the Eastward, another for Merrimack and the third for Connecticott River, to insult the English settlements. And H.E. sent a message to the Representatives to acquaint them thereof. Whereupon Mr. Speaker, attended with a Committee of the House, came up and H.E. intimated to them that he had two companys of 50 men each used to the woods ready enlisted, one company in the County of Essex and the other in the county of Middlesex, and proposed to send out 30 or 40 of each for a scout on the line of the frontier from Haverhill to Marlborough, and to make another scout of the two companys under pay within the county of Yorke from Haverhill to Saco, to make discovery of the approach of the enemy and observe their motions. Mr. Speaker expressed his approbation thereof, and that he believed it would be agreeable to the mind of the House.

Message sent down, to desire that if the House approved of H.E.'s above proposal, they would express it in a written vote.

Resolved, that the Council and Assembly forthwith proceed in the Election of a Commissioner for the Impost and a Surveyor General. The Representative agreed but for the choice of a Commissioner for Impost onely.

A Bill relating to Executors and Administrators, sent up, was read a first time.

The Resolve for the allowing of 300*l.* to H.E. was returned from the Representatives with no further alteration than the words "in part" inserted instead of the word "toward."

July 30. Order of Council sent up with the concurrence of the Representatives, that the Superior Court of Judicature to be holden at Springfield be adjourned till the first Monday in September.

Order of the Representatives agreed to that John Partridge of Piscataqua, sometime Field Marshal of the Forces imployed to the Eastward, be paid for expenses and subsistance of wounded men and his wages, 20*l.*, and upon his producing a certificate from the Treasurer of New Hampshire that he has received 48*l.* 18*s.* out of their Treasury upon the accompt aforementioned, that then 30*l.* be further paid to him.

1703.

Upon the resolves of the Representatives upon the petition of John Bull of Hingham, setting forth that he is lame and disabled for labour by a wound received in the public service in the former war and praying some allowance, agreed that he be paid 4*l.* for this year and 40*s.* *per annum* during his natural life afterwards.

Bill for granting unto H.M. an excise upon wines etc. sold by retail was read a second time.

Bill relating to Appeals was read a second time and rejected.

Petition of Thomas Brattle, praying to be dismist from his trust in laying out the moneys further granted for the fortifications, read.

Petition of Elisha Hutchinson relating to a judgment given against him at the suit of Thomas Cooper in the last Superior Court of Judicature in Boston, read, together with the Act of the House of Representatives thereupon.

Resolve of the Representatives sent up, that 300*l.* be allowed to H.E. in part for his support in the management of the Government. Which Resolve having been sent back to the Representatives with a message from the Board to move their reconsideration thereof, it being very much below the dignity of H.E.'s station and dishonourable to the Government, the Representatives not seeing fit to have reconsideration thereof, the Council desire H.E.'s acceptance of the said sum in part of his salary, in hopes the Assembly in another Session will have further consideration of that matter, and do that which is proper and honourable for the Government.

July 31. The Order of the Representatives upon the petition of Elisha Hutchinson (July 30), that the judgment be made null and void and that an Act be made by this Court to instate petitioner in the estate he is ousted of, was read again and not consented to, but ordered that the method of proceeding in the Superior Court upon appeals from non-suits and abatements be reported by the Judges of that Court, and the Law thereupon consulted in the next sitting of the General Assembly, that direction may be given therein, and that petitioner may then be further heard. The Representatives concurred.

Engrossment of the Excise Bill, passed by the Representatives, was read. H.E. consented to and signed the same.

James Russell was chosen by the vote of both Houses to be Commissioner for collecting the duties of Impost and Tunnage laid by this Court.

Resolve of the Representatives, sent up, was concurred with, appointing the Committee empowered to imprint the last 10,000*l.* of Bills of Credit, to take care for the imprinting, signing, and delivering to the Treasurer 5,000*l.* of Bills of Credit accordingly. 25*l.* to be paid to each of them.

100*l.* paid to Thomas Povey, Lt. Governor and Commander of the Castle.

Resolve of the Representatives agreed to for the payment of 50*l.* each to the Judges of the Superior Court.

An Order of Council relating to Executors and Administrators was agreed to by the Representatives.

5l. 11*s.* paid to Edward Togood for subsisting of soldiers posted in the Province of Mayn in 1689, and 1*l.* for attending H.E. to Pemaquid last summer.

H.E. ordered that the several Acts made this Court do pass the Seal and be forthwith published.

H E. summoned the Assembly to attend, and prorogued the Court till Sept. 1st. [*C.O.* 5, 789. *pp.* 858–864.]

July 29. **970.** Journal of Assembly of Jamaica. Bill for the better recovery of money *etc.* read a third time and passed with amendments.

Bill confirming the will of Ann Archer read the third time.

Robert Nedham was granted leave of absence.

Message sent up to ask the Governor when there would be a Council, for that the House had business. The Governor said there would be a Council presently.

And see Minutes of Council in Assembly under date.

William Vassall's complaint of the breach of the priviledges of the House by John Samnells was referred to the Committee of Priviledges.

Ordered that the several Committees make their reports of the Bills they have before 'em to-morrow morning, no other businesse to intervene.

Ordered that the Receiver General be desired to inform the House what charges the Treasury has been at for the subsistance of H.M. officers and soldiers at Port Royal and for the relief of the sufferers by the fire, and also to lay before the House an accompt of the entrys of the Additional Duty since March 25.

Ordered that Mr. Ascough inspect the Act concerning parties, and report his opinion concerning the negroes taken by the parties, how they are to be disposed of.

July 30. Bill for encouraging the importation of white servants read the first time.

July 31. Bill for settling the Revenue read the first time.

And see Minutes of Council in Assembly under date. [*C.O.* 140, 7. *pp.* 79–83.]

July 30.
Hampton Court.
971. Order of Queen in Council. Upon reading the Representation of July 16, Ordered that the Council of Trade and Plantations doe specify what great guns and gunners' stores are wanting for the fortifications near Boston. *Signed,* John Povey. *Endorsed,* Recd. Read Aug. 4, 1703. ¾ *p.* [*C.O.* 5, 863. *No.* 45; *and* 5, 911. *pp.* 112, 113.]

July 30.
Hampton Court.
972. Order of Queen in Council. Approving the following Report from H.R.H. Lord High Admiral, upon the Representations of the Council of Trade and Plantations relating to Naval Stores referred to him :—

(1) That it is not distinguished what part of the 5,000*l.* *per annum* allowed by the Charter to be purchased in land in America and England is to be purchased in one and the other, nor in what part of America the said purchases are to be made,

and therefore in my opinion it ought to be particularly provided for therein, for (2) if the most or any considerable part of the said purchase be made in New England, the Gentlemen to be thus incorporated may by that means possess themselves of all the woods which lye near unto the sea, from whence the Masts, Bowsprits, and Yards are now had for H.M. Service; and it is to be doubted that they will thereby be left too much at liberty to impose what prices they please upon H.M. for the same, which above all things ought to be avoided, and that by a strict reservation to the Crown of all pine and firr-trees fitting for masts of 16 inches diameter and upwards, and bowsprits from 20 to 38 inches diameter, with the strictest orders that none of these dimensions be cutt down without licence from the Crown, either by them or any other person whatsoever. (3) Although it is provided for in the draught of the Charter that other persons, though not incorporated wth. the aforesaid Gentlemen, shall not be excluded from the Trade to those parts, yet it may be worth consideration, whether such a scope of land, and the allowance of 150,000*l*. in trade will leave any great room, if any, for other traders. (4) It may also be necessary to reserve to the Crown all regalities of mines etc. in the land to be purchased, for which there is no provision made in the present draught of the Charter. Nor is it less necessary to oblige the persons incorporated to be subjects of England, a thing usual in all such cases. And lastly, I do think it necessary to informe H.M. that the Principal Officers and Commissioners of the Navy have always been and still are willing to treat with any persons, who will apply to them, for the importing Naval Stores of all sorts from H.M. Plantations, and to give them all encouragement for the carrying on a Trade so necessary for the good of H.M. service. But in case H.M. shall think fit to incorporate the Gentlemen as they desire, I am so far from making any objection to the same, that it is in my opinion a thing which may (with the restrictions before mentioned) tend very much to the advantage of the publick, provided effectual care be taken that the Trade be not soe ingrossed by them as to prejudice H.M. in her purchase of Naval Stores, but more especially masts. I have also considered of the Lord Cornbury's proposition for providing Naval Stores at New York, and am entirely of opinion that such services doe deserve encouragement, but then H.M. ought to be at a certainty as to the prices, and the contracters to be obliged to qualifications as well as quantities by articles between the Commissioners of the Navy and them, and to deliver the goods unto H.M. stores in England at prices to be adjusted by the said contracts; for in the experiment made of this kind by the late Lord Bellomont, the money demanded by Bills of Exchange, for the stores provided by his Lordship and brought home by the *Benjamin* storeship, amounted to more than the value of the goods, without the addition of freight, which freight is the most considerable charge in these cases.

H.M. in Council refers the whole matter to the Council of Trade and Plantations, who are to acquaint the petitioners that, under the restrictions and provisions mentioned in the said Report, and such others as shall be thought necessary by the said Commissioners, H.M. is graciously inclined to grant the petitioners a Charter of Incorporation. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 4, 1703. 3¼ *pp.* [*C.O.* 5, 863. *No.* 44; *and* 5, 911. *pp.* 107–112.]

July 30. Hampton Court. **973.** Order of Queen in Council. Approving of John Evans as Deputy Governor of Pennsylvania, without limitation of time, and of the Three Lower Counties on Delaware River during H.M. pleasure only. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 5, 1703. 1 *p.* [*C.O.* 5, 1262. *No.* 46; *and* 5, 1290. *p.* 364.]

July 30. Hampton Court. **974.** Order of Queen in Council. Approving of Representation of July 7 and repealing the Act of Pennsylvania appointing the rate of coin accordingly. H.M. is further pleased to direct that neither the Assembly, the Proprietor nor Councill of that Province do repass the said Act, nor make any other Act or Order for the regulating of coin untill H.M. shall give further directions therein, it being H.M. undoubted right to settle the value of coin within Her Dominions. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 4, 1703. 2 *pp.* [*C.O.* 5, 1262. *No.* 45; *and* 5, 1290. *pp.* 361–364.]

July 30. Hampton Court. **975.** Order of Queen in Council, approving of Representation of July 7, and appointing Stephens Thomson H.M. Attorney General for Virginia under the conditions there proposed. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 5, 1703. 1 *p.* [*C.O.* 5, 1313. *No.* 29; *and* 5, 1360. *pp.* 403–404.]

July 30. Hampton Court. **976.** Order of Queen in Council. Upon reading Representation of July 7, it is hereby referred to the Lord High Treasurer to consider of the proposed augmentation of salary for the Attorney General of Virginia, and to regulate the same as may be best for H.M. service. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 5, 1703. 1 *p.* [*C.O.* 5, 1313. *No.* 28; *and* 5, 1360. *pp.* 404–406.]

July 30. St. James'. **977.** Order of Queen in Council. Approving of draught of Instructions to William Penn (July 22), relating to Trade, and ordering that the Earl of Nottingham do cause the said draught of Instructions to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 6, 1703. ¾ *p.* [*C.O.* 5, 1262. *No.* 47; *and* 5, 1290. *p.* 366.]

July 30. Boston. **978.** Minutes of Council of the Massachusetts Bay. 24*l.* paid to Col. Daniel Peirce for the subsisting of Capt. Thomas Harvey's Company of Souldiers raysed for H.M. service to range the woods.

24*l.* paid to Lieut. Col. Jonathan Tyng for subsisting Capt. Benjamin Willard's similar Company.

20*l.* 5*s.* paid to John Campbell, Postmaster, for extra expresses and public letters sent out. [*C.O.* 5, 789. *pp.* 521, 522.]

1703.
July 31. **979.** Minutes of Council of Jamaica. The Governor communicated to the Board a letter he had received from Capt Wavell :—" The petition of the owners and masters now in port (*see* July 23, 29) is vaine and frivolouse, they endeavouring therein by false allegations to vindicate their unreadinesse by a pretended objection of shortnesse of time, when 'tis well known the true cause hath wholly proceeded from their owne negligence and disregard of their affairs, otherwise the time had been sufficient for them, soe that if they lose the protection of the convoy, or any disaster happens, the whole fault must be imputed to themselves, as the onely authors of it. As to the strong breizes of late (*see July* 29), that must (were it true) have impeded all, but some who were mindful of their business could find means to get in their goods. But I doubt those men were more retarded by their Bottles of punch and other alurements ashoar then from any other cause. As for the many and base reflections some have made on that honble. Gentleman, Admirall Graydon, and founding all their complaints on his haveing imprest their men, is as easily evaded as any of their other objections, for myselfe offered to lend them 40 or 50 hands to assist those that wanted to get in their goods, and if I saw cause, to spare them hands to carry them through the seas, so that excuse is dasht in pieces ; I received a scrole from one Nicholls, wch. conteyned no great sense and but little manners, to send me a letter unsealed for every porter and negro to peruse, wch. I take to be verry rude. I shall (notwithstanding the numerous and troublesome complaints of the petitioners) sayle at the time I shall thinck convenient, and if any of the many misfortunes mentioned by your Masters happen to any of those which shall not sayle with me, I verry well know how to acquitt myselfe, and to informe both the Lord High Admiral and all people concerned whence the true cause of the mischiefe proceeded."

Upon reading whereof, and on consideration of an information given in here by a member of this Board, that Capt. Wavell had sent his Doctor and Clarke on shoar to Port Royall, who applying themselves to him, the Doctor gave in before him a Deposition (wch. was writ by the Clarke and they carryed away with them) that Capt. Wavell was seized with a violent feavour att Barbadoes, ever since which time he had been *non compos mentis*, a letter was ordered to be writ to Comadore Douglas to that effect, with copies of above letters, and recommending it to him, as Comadore of all H.M. ships in these parts, to take care H.M. ships wch. he commands, and the charge of soe considerable a fleet as is now going be not entrusted to the convoy and government of a madman, *etc.*

Ordered that the Clarke of the Council carry the same, and discourse Comadore Douglas about Capt. Wavell's most disrespectfull and distracted carriage to the Government. [*C.O.* 140, 6. *pp.* 161–164.]

July 31. **980.** Minutes of Council in Assembly of Jamaica. Message sent up, that " the House having the Revenue Bill under consideration, with several others which will take up some days transcribing by our Clerk, and in consideration of the Fleet's sayling, humbly desire your Honour will admit of our adjournment for a week or ten days," etc. The Governor consented, provided care was taken before adjournment by a short Bill to continue the Act for raising the additional duty for some time till the House can have more leisure to goe about it. [*C.O.* 140, 6. *p.* 515.]

[? July.] **981.** Governor Nicholson to the Council of Trade and Plantations. I have had the honor to receive your Lordships' last letters, vizt. of Nov. 4 and 11, Jan. 26, April 20 and 29, and am heartily sorry that I have been in the least mistaken in your Lordships' order by your Secretary, in observing the method of corresponding with your Lordships. I herewith humbly transmit to your Lordships the Journalls of Councill and other papers which are in a box together with a list of them; and I hope that sending your Lordships a particular Journal concerning H.M. men of warr etc. will not be disagreeable to your Lordships. After the next convoy are sail'd, here will be no man of war to attend this H.M. Government, neither will there be any for Maryland, so I humbly propose that your Lordships would be pleased to move H.M. in this affair. What your Lordships are pleased to write concerning H.M. sending a supply of arms etc., I hope in God will be much for H.M. service, and I shall endeavour, God willing, so to dispose of them as may be most for the defence and security of this H.M. Colony and Dominion. I have received a letter from the Ordnance Board with an account of the Arms etc., but yet I have no account of the ship its being arrived, neither is H.M.S. *Oxford* come in, and by the account which I have, there are several other ships wanting, but I hope in God they will all arrive. H.M. royall commands of January 7 last concerning the convoys and the embargo, I shall endeavour to have it complyed with, and take care that no ships or vessells go from hence, but with convoys; only those which H.M. shall be graciously pleased to except. I suppose the Merchants trading to those parts will hardly ever agree about the convoys and sending their ships; and whether those which are already arrived, or to arrive, will get loading to sail with Captain Symonds, is not yet certain. There is at present, I thank God, hopes of pretty good crops of tobacco and corn. Tho' some of each sort are somewhat backward, by reason they wanted rain in June; but I thank God we have very seasonable weather, and likelyhood of a plentifull year in all respects. According to H.M. Royall Proclamation for a publick day of thanksgiving etc. and your Lordships' commands to me thereupon, I endeavoured to do it as publickly as possible: and I hope in God that I may have the honor and happiness of receiving H.M. royall commands this year on the same account. H.M. royall commands (Feb. 25) about the preventing any stores of any kind from being carried to the Spaniards in the West Indies, I have issued out a proclamation about it; as likewise concerning hindring all

1703.

manner of trade and correspondence with the French, pursuant to H.M. royall commands (March 20), which proclamation I herewith send to your Lordships, and I hope it will not be disagreable to your Lordships. What your Lordships were pleased to write of (April 20) concerning complaints of great delays and undue proceedings in Courts of Justice etc., I have given orders concerning your Lordships' commands therein and and a full account thereof I design, God willing, to transmit to your Lordships by Mr. Secry. Jennings, as likewise of the Militia, with a list of all ships and vessells: and also an account concerning land being taken up on the South side Black-water-swamp, the family of the Harrisons having endeavoured to engross the major part thereof. Finding it for H.M. interest and service I have at present put a stop to the surveyors making any further proceedings therein. I shall likewise transmit to your Lordships by the same hand something concerning James City sending a Burgess, and concerning that place, and that your Lordships may see what forwardness H.M. Capitol at Williamsburgh is in, I herewith transmit to your Lordships two papers concerning it, signed by Mr. Secretary Jennings, Coll. Balard, and Major Buckner, who were appointed by the Assembly to take care about the finishing thereof; which is hoped will be early next summer; and that it will not be only ye best publick building but the most usefull of any belonging to H.M. in America. H.M. royall commands of April 20 last, concerning gifts to H.M. Governours by the General Assemblys, shall be obeyed. *Signed*, Fr. Nicholson. *P.S.*—Edward Randolph, Esq., dyed in April last, on the Eastern shore. I have given the Honble. Coll. Robert Quary an account thereof; and I hope to see him here next month, in order to examine the accompts etc. of the Collectors and Naval Officers. I'm in great hopes that the honble. Commissioners of H.M. Customes will think him a proper person in all respects to succeed Esqr. Randolph as Surveyor General of H.M. Customes in this Continent of America. And I'm an humble intercessor to your Lordships on his behalf for the said place; and for his good behaviour etc. in it a bond, if required, shall be given by Fr. Nicholson. *Endorsed*, Recd. 5th, Read Oct. 8, 1703. Recd. by Capt. Fogg, of the *Falmouth*. 3¼ *pp.* *Enclosed*,

981. i. Abstract of preceding. 1¾ *pp.*

981. ii. Memorandum of Minutes of Council in Assembly of Virginia, March 19—April 10, 1703. ¼ *p.*

981. iii. Memorandum of Journal of House of Burgesses of Virginia, March 19—April 10, 1703. ¼ *p.*

981. iv. Memorandum of Minutes of Council, March 19—July 14, 1703. ¼ *p.*

981. v. Transcript of letters, orders *etc.* relating to H.M. ships at Virginia. *See* Minutes of Council *passim*. *Endorsed*, Recd. Oct. 5, 1703. 27 *pp.*

981. vi. Address of the Clergy of Virginia to the Queen. Congratulate the glorious success of H.M. arms etc., April 22, 1703. *Signed*, James Blair, Comiss., Geo. Robertson,

Bar. Yates, Richd. Squire, Dan. Taylor, Peter Kippax, Tho. Edwards, John Gordone, Thomas Sharpe, James Clack, James Sclater, Solomon Wheatly, Edward Portlock, John Monro, Lewis Latané, Arthur Tillyard, William Rudd, And. Monro, Guy Smith, Charles Anderson, James Boisseau. *Copy.* 1 *p.* *Same endorsement.*

981. vii. Address from the Grand Jury of Virginia to the Queen. Congratulate H.M. signal victories, "by which as well as many other instances of your most sacred Majesty's care, noble prudence, and extraordinary conduct, the glory and honour of the English Nation is raised to such a pitch that both delights and satisfyes of all your Majesty's Loyall and dutifull subjects." Particularly thank H.M. for her continuance for H.E. Col. Nicholson, "our present Governor, whose eminent zeal for the Church, constant loyalty to his Prince and indefatigable care and diligence in all things within his province for the advantage of your Majesty and to the satisfaction of all your Majesty's loyall and dutifull subjects here is very conspicuous." *Signed,* Ar. Allen, foreman, John Stanup, John Waller, Robt. Bolling, Mich. Meriwether, Wm. Buckner, Thomas Meriwether, Richd. Wyatt, William Smett, George Barkeroyde, James Hendow (?), Edwd. Gouldman, Robt. Gibson, Henry Cary, William Cary, Jno Thruston, Seth Wickins, Walt. Walters. Timothy Penhethman.

981. viii. (*a*) Proclamation proroguing the Assembly from 17th to March 19, 1703.

(*b*) Proclamation for a Day of Thanksgiving for the successes of H.M. arms, May 4, 1703.

(*c*) Proclamation appointing William Byrd, President, and the Council responsible for the administration of the Government of Virginia, during the Governor's absence on a visit to New York. April 26, 1703.

(*d*) Proclamation forbidding export of ammunition and stores to the French or Spaniards during the war. July 14, 1703. *Copies.* 4¾ *pp.* *Endorsed as preceding.*

981. ix. Account of the 2*s.* *per hhd.* from Dec. 25, 1702, to April 25, 1703. Balance (Oct. 25), 2,237*l.* 17*s.* 7*d.* Total 3,022*l.* 5*s.* 7*d.* Expenditure, 1,765*l.* 10*d.* *Signed,* William Byrd, Auditor. *Same endorsement.* 2 *pp.*

981. x. Account of the 2*s.* *per hhd.* from July 10 to Oct. 25, 1703. Balance, July 10, 3,515*l.* 10*s.* 3*d.* Total, 3,865*l.* 13*s.* Expenditure, 1,655*l.* 0*s.* 5¼*d.* *Signed,* William Byrd, Auditor. *Same endorsement.* 2 *pp.*

981. xi. Account of the Quit-rents for the year 1702. To balance due, 6,108*l.* 16*s.* 3*d.* *Total,* 7,895*l.* 15*s.* 11*d.* *Signed,* Wm. Byrd, Auditor. *Endorsed as preceding.* 2 *pp.*

981. xii. List of Patents for land signed in April, 1703 :—

County.	*To whom granted.*	*Number of Acres.*
Nansemond	Robert Peele	134
Princess Anne	John Hopkins	210
Nansemond	Nicholas Hunter	46
,,	Francis Speight, jr.	161
,,	William Speight, jr.	
King and Queen	Jon. Robinson	200
,,	Thomas Pettis	36
King William	Phillip Williams	100
Nansemond	Edward Holmes	124
,,	Richd. Lawrence	76
,,	John Duke	113
,,	Wm. Lassister	100
York	Arthur Lunn	50
King William	William Lipscombe	300
,,	Jacob Sollars	353
King and Queen	Jam. Taylor & Tho. Pettis	576
Blackwater Swamp	William Williams	400
King William	Nicholas Rodes	91
Nansemond	Benjamin Rogers	340
,,	Stephen and Tho. Cowling	250
Henrico	Jno. Robinson	831
Nansemond	Francis Milner	300
,,	Jno. Murdah	46
,,	Rowland Gwinn	200
Upper Chippoakes	Walter Cock, senr.	350
Henrico	Henry Mayes	292
Charles City	William Temple	627
Henrico	John Woodson	2,700
Middlesex	Henry Thacker	77
Henrico	Matthew Branch etc.	710
,,	John Farlar	471
Middlesex	Thomas Stapleton	125
Nansemond	Robert Rogers	234
,,	Wm. Jones, jr.	267
Norfolk	Edwd. Wood, jr.	50
Nansemond	Abraham Edward	100
,,	Joseph Cooper	276
King and Queen	Jno. Pigg	1,000
Henrico	James Thweat	234
Nansemond	Andrew Ross	87
Henrico	James Thweat	223
Middlesex	Jno. Sandiford	150
New Kent	Geo. Aalves	1,668
Essex	Harry Beverley	750
Isle of Wight	Arthur Smith	500
Gloucester	Jno. Stubbs	50
King and Queen	Wm. Jones	420
King and Queen and Essex	Harry Beverley, etc.	2,300

County.	*To whom granted.*	*Number of Acres.*
Nansemond	Richard Sanders	127
King and Queen	Francis Major	590
King William	Thomas Parker	314
Charles City	Drury Stith, etc.	680
Henrico	Francis Eppes, etc.	4,000
Gloucester	Mordecai Cook	1,200
Accomack	Rowland Savage	500
Princess Anne	Wm. Grant	150
New Kent	Jno. Snead	50
Northampton	Peirce Davis	350
Middlesex	Rebecca Mason	120
King and Queen	C. C. Thacker	130

Endorsed as preceding. 1½ *pp.*

981. xiii. Account of the Imposition on Liquors, servants and slaves, July 8, 1703. *Signed*, Robt. Carter. *Endorsed as preceding.* 2 *pp.*

981. xiv. Account of the Imposition of Liquors, servants and slaves, April 9, 1703. *Signed*, Robt. Carter. *Endorsed as preceding.* 2 *pp.*

981. xv. Report on the building of the Capitol at Williamsburgh, July 20, 24, 1703. *Signed*, E. Jenings, Tho. Barbar, Tho. Ballard. ¾ *p.*

981. xvi. Account of the charges for building the Capitol and Prison, April 4, 1700—July 20, 1703. *Total*, 3,822*l.* 2*s.* 6¾*d.* *Signed*, E. Jenings, Tho. Barbar, Tho. Ballard. *Endorsed*, Recd. Oct. 5, 1703. 1 *p.*

981. xvii. Copies of a Letter from the Board of Ordnance relating to stores of war (Feb. 1, 1703), of H.M. Letter for paying the same out of the quit-rents, and of Wm. Byrd's Bills of Exchange, March 22, for 3,388*l.* 3*s.* 4*d.*, in pursuance thereof. *Same endorsement.* 3 *pp.* [*C.O.* 5, 1313. *Nos.* 30, 30.i.–xvii.; *and* (*without enclosures*) 5, 1360. *pp.* 410–418.]

Aug. 1. **982.** Governor Nicholson to the Council of Trade and Plantations. Being come hither in order to dispatch this Fleet now, God willing, bound for Engld., I herewith transmit the list of the said fleet, together with Captain Christopher Fogg, Commander thereof, his sailing-Instructions etc. There may be 3 or 4 masters of ships that have not been yet on boord. I'm in hopes that before he getts clear off the land, all the ships and vessells designed to go with this convoy will joyn him. Commodore Fogg has behaved himself very well in all respects since he came hither: and I don't in the least doubt but that he will use all ways and means to convoy the Fleet safe for Engld. Every day 2 or 3 ships come in at ye Capes, which, I hope, are of the last Fleet: but as yet no account either of H.M.S. *Oxford* or the *Cutbert and Spranger*, on boord which are H.M. arms, ammunition etc., and that, please God, they may arrive is the hopes of him who is your Lordships' most obliged and faithfull

1703.

humble servant. *Signed,* Fr. Nicholson. *P.S.*—I found on boord Mr. Philip French, one of the principal merchants of N. York, and late Major thereof. I take him to be a gentleman very well affected to H.M. Government: he hath a very good estate, and marryed one of the late Mr. Frederick Phlepps his daughters. I think he was formerly Speaker of the House of Burgesses at New York, and when I was there last a member thereof and of good esteem there, and Chairman of the Grand Committee. He told me that he happened to have some discourse with one Mr. Robert Beverley, who is Clark to our House of Burgesses, about the affairs of N. York, particularly concerning his late Majesty's and her present Majesty's orders for ye Assembly's furnishing a quota of men and money. I desire that your Lordships would be pleased to let him give you an acct. thereof. This Mr. Robert Beverley marryed one of Col. Byrd's daughters, but she is dead: he hath been some years at law about an estate here, and our last Genll. Court there was an appeal to H.M. in Council by one Mr. Shelden, his antagonist: so Beverly is going for Engld. on boord this ship. To talk further with him concerning N. York affair, and to give your Lordships an account thereof, Mr. French is desired by, *Signed,* Fr. Nicholson. *Endorsed,* Recd. 5, Read Oct. 8, 1703. Recd. by Christopher Fogg, Commd. of the *Falmouth.* 1½ *pp.* *Enclosed,*

982. i. Abstract of preceding. 1 *p.*

982. ii. List of (62) ships bound from Virginia to England under convoy of H.M.S. *Falmouth,* July 28, 1703. All laden with Tobacco except one with rice and logwood, one with rice and one with furs. *Same endorsement.* 2 *pp.*

982. iii. Capt. Fogg's Instructions to the Fleet for forming a Line of Battle, on hoisting an Union Flagg at the Mizen pecke and firing a gun etc. Lynnhaven Bay, Virginia, July 31, 1703. 1 *p.*

982. iv. Capt. Fogg's Instructions to the merchant-fleet under his convoy for keeping company with H.M.S. *Falmouth etc.* July 28, 1703. 3½ *pp.* [*C.O.* 5, 1313. *Nos.* 31, 31.i.–iv; *and* (*without enclosures*) 5, 1360. *pp.* 427, 428.]

Aug. 2. **983.** Journal of Assembly of Jamaica. Adjourned till to-morrow.

Aug. 3. Thomas Bryan had leave to go the North side, the French having taken off several of his negroes.

Bill for the better encouragement of the importation of white men read the second time.

Valentine Mumby had leave to be absent to-morrow.

Aug. 4. Committees appointed to bring in Bills for continuing the additional duty, and to oblige the estates of absentees to find fitt persons to serve as way wardens, constables and tything men in their respective parishes. The former was brought in and read twice.

Bill for the better laying out and mending the highways read and recommitted. [*C.O.* 140, 7. *pp.* 83–85.]

1703.
Aug. 3.
Whitehall.

984. William Popple to William Penn. In answer to your letter of Aug. 28, what I writ you the 23rd was in the very words of Lord Cornbury's letter, which the Council of Trade and Plantations ordered me accordingly to send you soon after they had received it, that you might also take speedy care to put a stop to such undue proceedings. [*C.O.* 5, 1290. *p.* 360.]

Aug. 3.

985. Mr. Champante to the Council of Trade and Plantations. Mr. Nanfan has May 27 last lay'd before your Lordships the imprisonment he is now under, by reason of the non-payment of those Bills of Exchange which he sold to the Merchants of New Yorke, for ye money with which he subsisted the soldiers there for four months and an half more then their subsistance was paid to his account here in England. This misfortune had been prevented and the Bills been long agoe paid, for the answering of which my Lord Treasurer was pleased upon a Report of my Lord Ranelagh's, to whom this matter was refer'd, to order the advance of a considerable summe of subsistence, if the present Agent of New Yorke had not put a stop to the issuing of it, upon several pretences, which as I humbly conceive I had the oppertunity some while ago to prove groundless before your Lordships, as may appear by the several answers put into them in Mr. Popple's custody. The said Agent allows now that Mr. Nanfan has subsisted the soldiers for four months and a half more than I have received subsistence for, and that therefore I ought to receive subsistance for the like time to answer the said bills and the annexed account, which is a true copy of one I have received from Mr. Nanfan, will let your Lordships see how the money which was raised upon the bills has been disposed of, in which I must observe that as the accountant has not taken credit for what he has expended himself upon account of contingencies, so he has not creditt for what has been paid by me here on the same account, and to several officers on account of their pay, which may amount to near 700*l.* New Yorke money. I humbly hope your Lordships, in tender consideration of the matter, will have the goodness to represent the same so to my Lord Treasurer, that I may have his Lordship's order for the receipt of the said subsistance to answer the said bills, and that your Lordships will be pleased to take such measures as your Lordship shall think most fitting for the releife of Mr. Nanfan, whose unhappy case I humbly submit to your Lordships. *Signed,* J. Champante. *Endorsed,* Recd. Read Aug. 5, 1703. 1 *p.* *Enclosed,*

985. i. Copy of Capt. Nanfan's Account of money taken up at New York for the use of the soldiers, March 8, 170$\frac{0}{1}$–May 9, 1702. *Shows,* Debit 4,618*l.* 11*s.* 1*d.* + (30 *p.c.* advance for difference of money) 1,385*l.* 11*s.* 3¾*d.*= 6,004*l.* 2*s.* 4¾*d.* Credit (cash paid to the soldiers) 5,770*l.* 9*s.* 10½*d.* Balance, 233*l.* 12*s.* 6¼*d.* Accountant does not give himself credit for what has been expended by him upon acct. of the contingencies of the four companies out of the 10 *p.c.* remaining according to the

1703.

establishment, but will prepare such an acct. *Signed*, John Nanfan. New York, May 29, 1703. *Same endorsement.* 1 *p.* [*C.O.* 5, 1048. *Nos.* 63, 63.i.; *and* (*without enclosures*) 5, 1120. *pp.* 13–15.]

Aug. 3. Barbados. **986.** Governor Sir B. Granville to the Council of Trade and Plantations. Enclosed is the copy of the Proceedings at a Court Martiall held here long before my arrival and of which the then Government ought to have given an account. The persons concerned are three Frenchmen who came hither in a Flag of Truce, upon the faith of a Cartel which had bin agreed: one is condemn'd to Death, and the two others to be prisoners, 'till the Queen's pleasure is known. All the information I can get is contain'd in this paper, and the evidence does not appear to me strong enough to support the sentence given, especially in relation to the man's life. I humbly therefore beg leave to submit that also to H.M. pleasure: and having found him repriev'd at my coming, I shall continue him so untill your Lordships are pleased to signify to me H.M. orders. The Cartel which had bin settled between this place and the French Islands long before my arrival, I have refused to ratify, being of the opinion that it is not for H.M. service in these parts to hold any communication with them, but that it will be of more advantage to send away to Europe all the prisoners we take. I have here at present 53 which I shall put on board the ships bound with the convoy to England, taking the Master's receipt and obligation to deliver them into custody at his first port. The French Islands subsist by privateering, and being but thinly inhabited, nothing can be more injurious to them, then sending away their people. Not having any particular instructions in these matters from your Lordships, I act in 'em to the best of my skill, submitting all to your Lordships' judgments and desiring I may be directed in the measures I am to take for the future. I have not of late had my health and a slight indisposition joyned to the excessive heat, which alone is a distemper to a newcomer, makes him very uneasy. I desire this may make my excuse to your Lordships for my remissnesse in laying before you those observations I am commanded, and tho' I have not been able to discharge myself here with that application that I ought, I have don it with all the ill state of my health would bear. The sickness in this country continues with great violence and mortality. The French have no men of war at Martinique, but expect a squadron from France very soon, these seas swarm with their privateers. I have the honour of your Lordships' letter of May 27. *Signed*, Bevill Granville. *Endorsed*, Recd. 12th, Read Oct. 21, 1703. *Holograph.* 3 *pp.*

986. i. Abstract of preceding. 1 *p.*

986. ii. Copy of a Court Martial held in James's Fort in the Bridge Town, Feb. 2, 170⅔, for the trial of the Sieurs Du Verger, Alexander Toraille and Joseph Fontaigne-Toraille. *See preceding letter. Endorsed as preceding.* 2½ *pp.* [*C.O.* 28, 6. *Nos.* 101, 101.i.; *and* (*without enclosures*) 29, 8. *pp.* 326–328.]

1703.
Aug. 3.
Barbados.

987. Governor Sir B. Granville to [*? the Earl of Nottingham*]. I am informed that the Dutch at Curacoa doe at this time trade with Spanish America; in the beginning of the Spring they received orders from their West India Company under whose directions they are to recall all their Commissions, which was don, and no vessel now stirs from thence till they give security not to molest the Spaniards, but to traffick with them as formerly, ammunitions of war excepted. *Repeats substance of preceding. Signed,* Bevill Granville. *Endorsed,* R. Oct. 8, 1703. *Holograph.* 3 *pp.* [*C.O.* 28, 38. *No.* 16.]

Aug. 3.
Barbados.

988. Governor Sir B. Granville to Mr. Popple. The pacquet boat with the mails of May 27 and June 24 arrived here the 1st instant in 30 days from England: it brought me a letter from their Lordships of the first and another from yourself of the second date together with severall duplicates to myself and others to Mr. Bennet and Larkin at Bermuda. I had received the originalls before of each, and those to Bermuda were dispatched; these shall be soe likewise by the first opportunity, of which you shall have a certificate signed by the Master of the vessell. H.M. has not yet signed the Commission for the trying of pirates, at least no such has come hither, and that from the late King being determined we cannot proceed upon it. We have one here accused of piracy. I must desire you would lay this matter before their Lordships, as also the two enclosed letters, one of which is a copy of what I writ by the former Packet. The *Coventry* and *Milford* with the Merchant ships under the convoy arrived here June 20; the *Milford* remains here in the room of the *Kingsale,* which with the *Coventry* and the Merchant ships that are ready will depart from hence the latter end of this week. *Signed,* Bevill Granville. *Endorsed,* Recd. 12, Read Oct. 21, 1703. *Addressed. Holograph.* 2 *pp. On blank side,*

988. i. Abstract of preceding. ½ *p.* [*C.O.* 28, 6. *Nos.* 102, 102.i.; *and* (*without abstract*) 29, 8. *pp.* 329, 330.]

Aug. 3.
Whitehall.

989. Journal of Council of Trade and Plantations. Mr. Jones, late Secretary of Bermuda, delivered a letter from Mr. Larkin, dated Jan. 26, and Mr. Blathwayt communicated a letter of the same date from Mr. Larkin to himself, which were read. Jones in discourse justified Larkin and blamed Capt. Bennett. He complained also of many hardships done to himself, and desired an opportunity to vindicate himself from the imputations that had been cast upon him, in order whereunto he promised to lay an abstract of what he might have to say before the Board, and in the meantime he suggested that the occasion of the ill-conduct of several Bermuda Governors has been a present of 300*l.* usually made them by the people upon their arrival, which engaged them to favour many undue practices. Their Lordships thereupon ordered an abstract to be made of the facts charged against Capt. Bennet by Mr. Larkin in order to writing thereupon to his brother here.

1703.

Mr. Jory attending as he had been desired in relation to the Act of Nevis, for the better securing and confirming the tithes of land, he was acquainted with Mr. Attorney General's objection against it, and agreeing that there seemed to be a mistake in the Act contrary to the intention of the Assembly, their Lordships ordered a report to be prepared wherein to offer to H.M. that it may be repealed.

Mr. Jones, a Minister of Virginia, being about to return thither, the letter lately writ to the Governor was recommended to his care.

Letter from Mr. Penn, July 28, read. The Secretary was ordered to tell him that he already has a copy, July 23, of what he desires.

Aug. 4. Heads of Complaint against Lt.-Gov. Bennet agreed upon and ordered to be sent to his brother, with a signification that their Lordships desire to speak with him to-morrow morning.

Order of Council, July 30, read. Directions given for a letter to Col. Dudley upon that matter.

Order of Council, July 30, read and ordered to be sent to Mr. Penn.

H.R.H. Report, June 9, with H.M. Order in Council, July 30, read, and letter writ to Mr. Wharton, enclosing a copy of the Report and desiring him to attend to-morrow morning.

Aug. 5. Order of Council, July 30, approving Mr. Evans, read.

Orders of Council, July 30, approving Mr. Thomson, *etc.* read.

Mr. Champante presented a memorial on behalf of Capt. Nanfan, with account, which were read; letter to my Lord Treasurer prepared. [*C.O.* 391, 16. *pp.* 190–196; *and* 391, 97. *pp.* 545–554.]

Aug. 4.
Whitehall.
990. William Popple to Governor Seymour. Enclosing a packet of letters. [*C.O.* 5, 726. *p.* 268.]

Aug. 4.
Whitehall.
991. William Popple to John Bennet. Enclosing abstract of letters from Bermuda relating to the ill usage of Mr. Larkin by Lt.-Gov. Bennet, his brother. "Whereupon the Council of Trade desire to speak with you to-morrow morning." *Annexed,*

991. i. Heads of complaint against Lt. Gov. Bennet. [*C.O.* 38, 5. *pp.* 428–430.]

Aug. 4.
Whitehall.
992. William Popple to Wm. Wharton. By order of the Council of Trade and Plantations, I enclose a copy of H.R.H. report upon the petition of Sir Mathew Dudley and others relating to a Charter for the importation of Naval Stores from New England etc., that they may conform themselves to the restrictions contained therein. The said restrictions being added to the draught of a Charter formerly agreed on at this Board, H.M. has been pleased to declare her gracious inclination to cause the same to pass under the Great Seale of England. And whereas H.M. has referred the consideration of this whole matter, and the dispatch thereof to their Lordships, you are desired to acquaint the gentlemen concerned that their attendance is expected

1703.

accordingly at this Board to-morrow morning at ten of the clock. [*C.O.* 5, 911. *pp.* 113, 114.]

Aug. 4. Pensylvania. **993.** Col. Quary to the Council of Trade and Plantations. I have writ to your honours by five several ways, since wch. I have recd. yours of March 18, with a copy of a clause in the Act of Parliment to prevent fraudes in the importation of tobacco in bulke from the Plantations. I have taken effectual care to observe your Honours' instructions, which I am sure will answer the end, the methods I have taken to secure this poynt is this: I have ordered the several Collectors in this Bay not to permit any tobacco to be putt on board of any ship but what is done in their view, and that they give no cockett for more tobacco in any vessel then they themselves saw shipped; this makes some of the officers uneasy. But there is a necessity for it, and they must comply, or I must complain to your Honours. The former practice was for the Masters to make an entry of what they thought fit according to wch. the Collectors gave them their clearing and certificate when they were not halfe loaden, and then went downe the Bay, and took in what they pleased. I have lately received a letter from Governor Nicholson, wherein he presses my hastening to Virginia in order to H.M. service and the due observation of your Honours' Instructions. He proposes my inspecting the several officers on some special occasion. I am on my progress thither, and will visit all the officers in Maryland as I goe. I have long since fully considered that clause of the Act concerning bulke tobacco, and never could see how any one end proposed could be answered, as the several Collectors and Naval officers of Virginia and Maryland were suffered to manage themselves. I am very confident that no officer ever saw or knew what was shipped in either ship or vessell, but they take the report of the Masters and certify accordingly, wch. gives all the opportunity imaginable to carry what Bulk Tobacco they please; their binding staves about it and calling it cases is only to evade the Act and secure themselves in England for they are under no apprehension of danger in America by incurring the penalty of the Act since the officers never see wt. is shipped. Accordingly this gives encouragement for running tobacco as much as ever. There are but two ways to secure the Trade:—that there be a certaine fixt place or port in each river, were all ships shall be obliged to load, and that the respective officer of that river be obliged to view and take an exact account of wt. tobacco is putt in each ship. This will not only secure the poynt that the package be according to the intention of the Act, but will prevent the shipping tobacco in bulke. Besides I cannot see any great difficulty if the Officer be obleiged to take the weight of each hhd. or case, wch. will have this verry good effect, that every ship's entry will be just, exact and true, so that your Honours may with ease finde by wt. they enter and deliver in England, wether they have abused H.M. or not, for the allowance of waste and shrinking may verry well be computed. I am senceable your Honours have had under your consideration for sometime the appointing ports in each river. But the difficulty of getting an Act past for it in Virginia and Maryland hath hitherto put a stop to that worke. Give me leave to assure your Honours that if it cannot be done without an Act past here, it never will be done, for the Assembly consists of the Tradeing men in each river. These Gentlemen preferr their own interest and conveniency before that of H.M. or the publick good of the Province, for tho' they know and are satisfy'd that it woulde be more for a publick good to have a fixt port in each river, yett unless each man's own plantation be appointed that place, they never will agree that it shall be anywhere else, and so it never must be by their consent. With humble submission, I propose that this matter may with ease be efected by a short Act of Parliament in England. But since this must be a worke of some time, I will in the second place propose as an efectuall meanes to answer the end, that the officers be obliged to take a little more pains and care then they have hitherto done; that the Naval Officer do also his part so as to divide the worke between them, and wt. cannot with conveniency be done by them, I propose that waiters be appointed to performe the duty. These men may be had on very easy terms, since the business will not require above three months time in the yeare. The charge cannot be much, and will save H.M. very considerably in her revenue, efectually answer the end of the Act and prevent those many troublesome suits of Law, and save your Honours the many complaints that are now made to you. I am now hastening to Governor Nicholson, and doubt not but that we shall conclude on some further measures on this subject, his great zeale for the Queen's service and long experience will finde out some further ways and means *etc.* I hope quickly to receive your Honours' instructions and fuller power to act and also an answer to my several letters from Pensylvania. *Signed,* Robt. Quary. *Endorsed,* Recd. Dec. 9, 1703, Read Feb. 16, 170$\frac{3}{4}$. *Addressed. Copy.* 2$\frac{1}{4}$ *pp. Enclosed,*

993. i. Abstract of preceding. [*C.O.* 5, 1262. *Nos.* 48, 48.i.; *and* (*without abstract*) 5, 1290. *pp.* 426–431.]

Aug. 4. **994.** Minutes of Council of Barbados. Thomas Maxwell was sworn a Member of Council.

Patrick Mein was granted leave to go to England.

Thomas Reynoldson was paid 60*l.* towards his charge in the maintenance of several French prisoners. [*C.O.* 31, 8. *pp.* 59, 60.]

Aug. 4. **995.** Minutes of Council of Jamaica. Letter from Commodore Douglas, Aug. 3, read in answer to letter of July 31. "I think the request made to Capt. Wavell very modest and absolutely necessary. As to the breizes and sicknesse of both Masters and their men, I am verry sensible of it to be true, for I have been obliged to lend to some of them my men to their assistance to get them ready for this convoy: as to the said Capt. being not *compos mentis,* wch. I am verry apt to believe is true not onely by his ill treatment to those worthy gentlemen in his scandalous letter to them, but also in his dayly actions. wch. is soe ridiculous that I an ashamed for my part that any Gentleman that weareth H.M. Commission should have so little regard to himself and the service *etc.* As to turning him out, 'tis not in my power, as both ships being independent of my squadron and under sailing orders before I took place *etc.* If he will not stay for these merchants ships, with the consent of the Governor whose orders I am obliged to observe, I will see these ships through the Windward Passage, for it will be about the 20th of this month before the ships of the squadron that is here will be ready." [*C.O.* 140, 6. *pp.* 165–167.]

Aug. 5. **996.** Governor Dudley to the Council of Trade and Plantations. By a vessel from Topsham which came out May 3, I have account of the losse of all my letters and papers that went by Captain Thomas, who sayled Dec. 10, also what I sent by Captain Easty, Feb. 1, and what I sent by way of Leerpool, Aprill 2, were taken upon this coast going off, which makes me perfectly behind hand in all my Addresses, and Representations to your Lordships, copies whereof I shall send by this and the next conveyance. My last letters were of June 5 by Captain Terrisse which I hope are arrived, since which I have been eastward along the coast in the Province of Mayne, and at Casco-Bay met all the Sachims of Penobscot, and the three Tribes under Moxus, and Adiawando, and with a great deal of attendance which their sullen temper demands, and cost of presents and expences upon them. to the value of 400*l.* or 500*l.*, concluded a better friendship with them than at any other meeting, their Friars not daring to be seen for fear I should have seized them, left them in a better and more treatable temper, and since that they have advised me by Messengers of the march of 200 French Indians, and about thirty Frenchmen from Quebeck, which has occasion'd me to send out 200 men of the best of our quarter part of the Militia, who have been ten months detached by vertue of an Act of the Assembly, who are in four Companies upon the frontiers at 20 miles distance from each other, and interchange ground every two days, that the enemy may not come within them, and it is now the time of their plenty of venison and green corn, which will last them two months, during which time we must be carefull of them to prevent what is possible, tho' a security upon our frontier of 200 miles is not to be made with the force this Province is able to support. In my return from the Eastward, I held the Generall Assembly of the Province of New Hampshire, who have very cheerfully continued the duties upon timber and boards exported, and have enforced it with good clauses for the collection thereof, which I hope will be acceptable to H.M., it being the only method that they have here for the support of the Government and their defence, though it is very grievous to the Massachusetts Province, and of which they complain, but I am humbly of opinion without cause, every Province being the proper judges of the best method for their own support. I then obeyed your Lordships in hearing the suspension of Mr. George Jeffrys, and acquainted the Lieutenant-Governour Partridge of his neglect in not offering your Lordships the reasons and account thereof. I am humbly of opinion that Mr. Jeffrys was very faulty in that oath mentioned in the Record, though a great time is elapsed, and it might have been forgotten, and I also think that he is very faulty in labouring to defend the cotton wool, and to represent the Acts of Parliament hard upon the Plantations to disorder the inhabitants here, which ought by all means to be steadied, especially by Gentlemen of the Councill, and this he palliates in his answer altogether. I shall do as your Lordships shall command, but I doubt if he be restored, the Lieutenant Governour and he will very difficultly serve H.M. together, and I think there is no comparison between their powers and inclinations for the service, Mr. Partridge having been very sincere and industrious to my observation in everything that imports H.M. service since my arrivall, however it was before. I have no persons to offer to your Lordships, according to my Instructions, for the supply of the Councill but Richard Waldron and Major Joseph Smith, whom I humbly offer in the room of Mr. Fryer and Mr. Wier, who are superannuated. The Assembly of this Province was adjourned during my absence at the Eastward, and at my return sat again and were prorogued two daies since to Michaelmasse, their usuall time. They have granted to H.M. a tax of 11,500*l*., the last year's Excise, and a little addition to the impost, for the payment of their debts to the Castle, to forces and garrisons, and ships taken up at severall times for the service, but will neither settle any salarys for the Governour or others of the Civill List here, so as to support either the Governour, Lieutenant Governour, Secretary, Judges or other Officers, which will discourage the best men in this Province from sustaining Offices here. I humbly thank your Lordships' favourable intention to offer that matter of a salary to H.M. gracious consideration, and am of opinion if H.M. commands were given therein, it would take away a great deal of inconvenience, that the Governour here will labour under till it be determined, here are but few persons fit to sustain the office of Judges, and I can hardly keep them that are upon the Bench for want of a support, if it were but 150*l*. for the Cheif Justice, and 100*l*. for the other four, it would be acceptable to them, they have not present but 50*l*. each. The Representatives have shewed their ill inclination in the Article of the Assistance of New York, after several Conferences they have absolutely refused to give their usuall vote, which they have done annually these fifteen years, that the Governour with the advice of the Councill, (in the absence of the Generall Assembly) should send Forces thither, there may be at some time reason why such a thing should not be done, when the Hazard here is greater than there, but the Governour and Councill ought alwayes to be judges of that necessity, but nothing that could be offered would prevaile with them, and truly my Lords so it is, that the best men in the several parts are left out of the Councill, and the meanest men in the towns are sent to represent them, who will take care by their obstinacy to recommend themselvs to the People that they may be Electors of the Councill at the season of it, which cannot be avoided, till H.M. name her own Councill here as elsewhere, however I shall do my duty to my Lord Cornbury in obedience to H.M. as I ought. My Lords there is no ship of H.M. here but the *Gosport*, who is also commanded hence, and must have been gone long since but that the order came by way of Jamaica, and arrived here but thirty daies since, when the friggot was absent upon a cruise, and is but returned a few days, and now has not men sufficient to bring her home, untill our ships from Europe shall arrive, and then the Province will be absolutely without any security, either of the trade or against an enemy. The Castle of this place is not yet finished, though we have fifty men every day upon the work, which has retarded Collonel Romer the Engineer going to Pascataqua to begin that work, where there is 500*l*. ready to begin with, the Act for it is lost with my other papers. I humbly acknowledge the receipt of your Lordships' letters of Jan. 21, H.M. allowance of the 250*l*., at New Hampshire and pray the same favour for the 500*l*. offer'd me by the Massachusetts Assembly, which is less than ever they gave before, and having no salary here I have spent it twice, in a table, servants and horses here, and am also in advance as much as it amounts to for the fitting out the two Companies sent to Jamaica, which I hope my Lord Nottingham will obtain that I may be paid, having humbly written to him therein, since which I have had no commands. *Signed*, J. Dudley. *P.S.*—In the ships at first mentioned, I have lost all the Acts of Assembly of Piscataqua and Minutes of Councill, the copy of the 550*l*. Act your Lordships commanded me so particularly to send, which I have again ordered to be drawn out, and the new Act of 500*l*. for the repair of the Castle. *Aug.* 10.—Yesterday I had the honour of your Lordships' letters by way of York, of Aprill 20, with H.M. commands for both the Provinces, of which I humbly acknowledge the receipt, and shall take care to do my duty in the several Articles, and shall instantly acquaint the surveyor that there is no relaxation in the measure of timber, and pray your Lordships to beleive there has been none yet tho' desired by the people. (*Holograph.*) *Endorsed*, Recd. Nov. 20, 1703. Read Jan. 7, 170¾. 5 *pp*. *Enclosed*,

996. i. Abstract of preceding. 4 *pp*.

996. ii. Copy of Minutes of Council of New Hampshire, July 2, 1703. The hearing of the suspension of George Jeffrey by the Governour's appointment came on. He had been summoned to attend. The Lieut.-Governor (Partridge) acquainted the Governor and Council that he had received some time before the Governor's arrival letters from the Lords Justices, July 25, 1699, commanding his strict care of the Acts of Trade etc., which was read. He then desired that Mr. Sampson Sheafe should be examined, who gave oath that George Jeffreys discoursing with him about the seizure of some of the enumerated commodities imported contrary to

1703.

the Acts of Trade, Mr. Jeffreys told him that the Acts of Trade were not intended against coasters in the Plantations, and that he would defend that opinion, and particularly in the seizure of 4 baggs of cotton wool imported into this Government contrary to the Act of Parliament, the said Jeffreys was present in Court and privately whispered the Attorney to direct him, which hapned sometime before the Governour's arrival, and since at the Court of Admiralty accepted to be an Attorney in that case to plead against the Crown, being otherwise a merchant and not known to practice the Law. Mr. Secretary Story then informed the Governour and Council that he was imployed in the pleadings of the case of the cotton wool at the Inferior Court on H.M. behalf and afterwards in the Court of Admiralty was present and saw Mr. Jeffreys appear as Attorney for the claimer. Richard Jose, High Sheriffe, said that he was also present then. The Lieut.-Governour then alleadged that Mr. Jeffreys had been for 20 years in an illegal trade at several times, and brought in the Records of the Courts, that judgment was given against him in 1682; the Record contains 45 pages, wherein there is a challenge also of a false oath given by the said Jeffreys too long to transcribe. The Lieut-Governour also said that the Secretary at several times for some years past has frequently informed himselfe in Council that Mr. Jeffreys has defamed him, and said he had ruled arbitrarily and ill managed the affaires to the great defamation and hurt of the Government in his hands, upon all which he thought it not possible for him to proceed well with him in the management of H.M. affaires.

Mr. Hinkes, of H.M. Council, then informed that some time since about a year before the said suspension Mr. Secretary Story reported in Council that Mr. Jeffrey had spoken very unbecommingly of the Lieutenant-Governour, as using an arbitrary power; the Council being sensible of the inconvenience of such discourses of the Lieut-Governour, moved Mr. Hinkes and Capt. Gerrish, one other member of the Council, to treat Mr. Jeffrey of that matter, which they then did, and reported itt to the Council that Mr. Jeffreys denyed it, altho' the Secretary instantly insisted upon it, and now says that which he then informed was true. 3 *pp.*

996. iii. George Jaffrey his answer to the reasons of his suspension, exhibited in Council, July 2, 1703. I gave my opinion as a private person to Mr. Sheafe that the claimer ought to have the wool in accordance with the judgment of the Court of Appeal, Feb. 1701. My appearing at the Court of Admiralty cannot be the reason of my suspension, which took place Aug., 1702, and the Court of Admiralty was held six months after.

It is true that I was occasionally at that Court of Admiralty when the claimer of the cotton wool, being a woman and having no attorney, did importune me to say that the wool had been tried at the Courts of Common Pleas etc. I never pleaded otherwayes than as Amicus Curiæ, but if I had, there are presidents in New England of Councellors pleading at the barr, yet never any before suspended for that crime. As to my being an illegal trader and the records brought to prove it, I never before heard of any judgment or record of Court against me, nor can any such legally attested be found. All that can be pretended was that Mr. Randolph did about 1682 exhibit complaint against a ketch, the master whereof was recommended to me for advice, and upon trial the ketch was cleared by the jury, which offended Governor Cranfeild so that the same jury to apease his displeasure did sundry days after bring in another verdict after said vessel was gone. And I being called before Governor Cranfeild did affirm that I did not send said vessel away, nor had any authority so to doe, being not so much concerned as to draw Commissions as Factor, nor had any part of said ketch nor lading. In any case Mr. Partridge was not then Lieut-Governor nor I of the Council. I have since that time had the honor to serve the Crown in sundry places of trust and never any male-administration alleadged against me. As to Mr. Storey's information that I defamed the Governor, two of the Council were then sent to discourse me, to whom I did give such ample satisfaction that I heard no more of it. The truth of the matter was this. Mr. Partridge, some others and myself were owners of the *Portsmouth*, whereof Mark Hanking was Commander and part owner, who wanted a cable for her, which Mr. Partridge profered to supply at a certain price. The master said he could buy a more suteable one for less. Mr. Partridge told him he should take his and ordered the sailors to carry it on board, which when I understood, might say was arbitrary. *Signed*, Geo. Jaffrey. 3 *pp. etc.*

996. iv. Mr. Partridge's Reply to preceding. July 22, 1703. Portsmouth. Mr. Jeffries has practised false swearings and lyings so long that he now dares to wright positive falsehoods to your Excellency. For instance, in the affidavit taken before Governor Cranfield Dec. 20, 1682 (*quoted*) he swore that "he was concerned in the ketch and cargo as far as she was laded," and affirms to your Excellency that he was not. In the same affidavit he swore that he knew nothing of her going out of the Piscataqua, but he hath acknowledged that was false publickly in the Church. I think further answer needless. *Signed*, Wm. Partridge. *Holograph.* 1¼ *pp.*

1703

996. v. Sampson Sheafe to Governor Dudley. In reply to the Memorial of Richard Wibird and Shadrach Walton. (*No.* 85.) It is a strange mistake to assert that they in Sept., 1701, bought of David Jefferies at Boston four bags of cotton wool which had been lately imported, for it was imported into this Province Aug. 10, 1701, and seized by the officer here for having not given bond as the Act requires, so that that assertion is false, or the claimer bought the same after it was seized for illegal importation. It is notoriously false that upon the importation of the four bags of cotton wool the Deputy Collector at Boston gave a certificate under his hand that the same were lawfully imported, for it was imported Aug. 10, 1701, into this Province, and then seized and the certificate was procured Aug. 25, 1701, designedly to illude the Court and Jury, as will appear by the copy of the certificate enclosed. Boston indeed is part of New England, but a distinct Government as much as Barbadoes. It is true the said ship and her loading was seized by Sampson Sheafe for not having given bond as the Act requires, and that the said wool, as the Act directs, was at an Inferior Court confiscated to H.M., and notwithstanding the said certificate, justly, for it was procured after the seizure, and no bond given for landing the same in England or H.M. Plantations. It is true Wibird etc. brought their appeal to the Superior Court held in this Province, Feb. 10, 1701, and that there the Collector of this Province produced another certificate from the Deputy Collector of Boston, certifieing that in his certificate of Aug. 25 he did not certifie that said wool was lawfully exported from Boston, nor would be so understood, for that it was never entered at the Custom House, nor bond given as the Act requires, notwithstanding which certificate the judgment of the Inferior Court was reversed, and a writ of restitution of the said goods ordered and made out, and upon refusall or [? *of*] delivery to take Sheafe in close custody, by vertue whereof one James Levitt, a pretended Sheriffe, did seize the said Deputy Collector, who thereupon complained to the Lieut.-Governor, who did demand to see the Deputation of said under-Sheriffe, but it appeared he was neither Deputy nor sworn, whereupon he was threatned by the Lieut.-Governor to be sent to prison, and he told me I had my remedy against him for false imprisonment. It is a maliciously invented falsehood that the Deputy Collector discharged one penny worth of goods, that he either found or seized. The Court and Jury did discharge indeed some provisions that were on board, but the officer discharged none. The Deputy Collector is not, nor never was under the influence of the Lieut.-Governour upon accot. of debt. The latter had

security for what the Deputy Collector owed him; he had no reason to be influenced thereby, nor was it of any the least consideration with him. If the cotton wool under seizure should be upon this complaint delivered to the claimer, it will remain here upon a record as a president that all persons have liberty to import or export any of the enumerated commodities without giving bond, and so may be at liberty to go to any foreign market in Europe without going to England, Wales or Berwick. And it will be folly for any officer here to pretend to prevent or hinder that which may be committed against H.M. service in the concernment of trade, but let every one trade as they will, and then all will be pleased here. There hath been one verdict for H.M. and another per contra, the last thro' mistake, the jury being imposed upon by the claimer's plea that the Massachusetts and this Province were one Government, tho' so far from it, this is held by Commission from H.M., the other per charter; were also told that the Province Law for impost admitted wool of all sorts to be brought in free, and that the Act of Parliament to the contrary signified nothing here, and that the first certificate produced was of force, the other not. It hath cost the officer here above 18*l.* already in prosecution, the wool not worth much above 20*l.*; this charge hath the claimer put the officer to, besides his being in custody, which he desires your Excellency to represent to their Lordships. It is evident the design of this complaint is to procure a gap to be opened to the breach of all the Acts of Trade, and no Court or Jury will ever pretend, especially Juries, to confiscate any vessel, or her lading, let the Acts be never so plainly broke.

I have been highly blamed in Mountss business for not admitting any goods, Dutch or French, to be imported here from Jersey upon certificate of a Surveyor there, one Hughs, whither a Surveyor of Land or High Wayes or how otherwise I could never yett learn. I presume to remind your Excellency of the great necessity of a bridge over the Narrow Passage; it will be much for H.M. service, both as it will be a way for the country to come into H.M. Fort in case an enemy should, as it is feared they may, attempt to invade this Province as also it will be a meanes to prevent in great measure the running of uncustomed goods, wch. according to the general discourse is much practised. *Signed*, Sampson Sheafe, Dy. Collector. *Holograph.* 3 *pp.*

996. vi. Memorandum of Minutes of Council of New Hampshire, Oct. 28, 1702–April 2. 1703. ½ *p.*

996. vii. Memorandum of Minutes of Council in Assembly of New Hampshire, Jan. 12, 170$\frac{2}{3}$–April 13, 1703. ½ *p.*

1703.

996. viii. Memorandum of an Act of New Hampshire for *continuing several rates and duties of impost, tunnage etc. for one year.* ½ *p.* [*C.O.* 5, 863. *Nos.* 46, 46.i–viii.; *and* (*without enclosures*) 5, 911. *pp.* 177–188.]

Aug. 5. New York. **997.** Lord Cornbury to the Council of Trade and Plantations. I trouble your Lordships with these few lines only to acquaint you that on Thursday July 29 Mr. Byerly, Mr. Clark and Captain Matthews arrived here from Virginia, by whom I received the Commissions H.M. has been pleased to honour me with; and also H.M. Instructions, which I shall take care punctually to observe; they have likewise delivered me several packets from your Lordships, to which I will return perticular answers as fast as the nature of things will permit; and I entreat you to believe that I shall always exactly observe your Lordships' directions in all things; by the Virginia convoy, which will saile in six weeks, I shall give you accounts at large of most matters relating to these parts. *Signed*, Cornbury. *Endorsed*, Recd. Read Nov. 19, 1703. *Holograph.* 1 *p.* [*C.O.* 5, 1048. *No.* 64; *and* 5, 1120. *pp.* 25, 26.]

Aug. 5. **998.** Journal of Assembly of Jamaica. Bill for the better Government of servants read the first time.

Resolved that no member go out of the House without leave of the Speaker under the penalty of tenn shillings.

A message by the Clerk of the Council, that the Governor required the copy of the minutes of the House to this day.

Upon debate whether the Additional Duty Bill should be read the third time in the afternoon, carried in the affirmative. When the House met in the afternoon, upon debate whether the Bill should be read now or at another time, severall of the members departed the House without leave and in a contemptuous manner, whereupon the question was put, whether they should be taken into custody or not. Carryed in the affirmative. Charles Long, John Peeke, John Blair, John Ayscough, Aldworth Elbridge, John Bonner, Henry Brabant and James Archbold were accordingly ordered to be taken into custody by the Speaker's warrant. The Messenger answered that the Gentlemen named in the warrant were just by under the shedd and refused to submit to the warrant, and said they were not a House and could not send a warrant.

Aug. 6. The Messenger reported that they had submitted to the warrant and were in his custody. Resolved, that they be sent for one at a time and demanded by the Speaker, why they had departed the House in such a contemptuous manner, to the great disservice of the Queen and country, and the hindrance of the public good, contrary to their known duty, and the settled rules of the House, and who advised them so to do. In reply Dr. John Bonner said that he did not go out of the House in a contemptuous manner, but if he did go out, and thereby had broken the rules, he was to pay 10*s.*; that nobody advised him to it, and the House had broke their own rules in not reading the Bill when it was agreed to be read, and he did not know any business he had here when he could not serve the Queen nor the country, but that he should have come into the House, if he had been sent for. Aldworth Elbridge replied that nobody advised him to it, that he did not go out contemptuously or with designe to affront the Speaker or the House, but he went out, the House being in a hot debate. Capt. James Archbold replied that there was such indecencies that he went out to keep the rules of the House. Capt. Charles Long replied that he saw there was no rule or order kept in the House and therefore thought fit to withdraw. Dr. John Blair answered that his own reason advised him, for the House was in a hott debate and he went out to drink a glass of wine. John Peeke replied that he always paid a great respect to the Chair, but the Chair has charged me with those very things of breaking the rules it was guilty of itself, especially in passing the Bill for the Additional Duty *etc.* Henry Brabant would only answer that he did not go out of the House in any contempt. John Ayscough replied that he never did anything in contempt of the House, but there was no rule nor order kept, and therefore I went out of the House as the best way to rectifie it. Consideration of their answers adjourned till to-morrow morning. Ordered that the absent Members be sent for to attend the House upon urgent occasions by 8 a.m. to-morrow by a letter from the Clerk.

The House met and adjourned till Monday. [*C.O.* 140, 7. *pp.* 87–90.]

Aug. 5. Boston. **999.** Minutes of Council of the Massachusetts Bay. Account for refitting the *Province* galley last spring committed.

Thomas Brattle declining further intermedling in the laying out of the grant for the fortifications on Castle Island, ordered that Col. Romer have the care of doing so, and that the Treasurer pay him 100*l.* on account.

45*s.* 4*d.* paid to Col. Charles Hobby for subsisting of souldiers raised out of the Regiment of Militia under his command for enforcing the garrison at the Castle, and charge of transporting them thither.

23*l.* 6*s.* paid to Daniel Willard, Keeper of H.M. gaol in Boston, for keeping French prisoners of war, Feb. 22, 1702–May 13.

468*l.* 4*s.* 2*d.* and 218*l.* 9*s.* 6*d.* paid to Thomas Povey, Commander of the Castle, for wages due to the garrison.

10*l.* 7*s.* 8*d.* paid to Capt. Cyprian Southack on account of the garrison at Cascobay in 1701.

H.E. nominated David Phippen J.P. within the County of Yorke. The Council consented.

H.E. nominated John Everett to have the rule and government of the Indians of the several Plantations within the late Colony of the Massachusetts Bay. The Council consented.

Various salaries and accounts paid as granted by the General Assembly. [*C.O.* 5, 789. *pp.* 522–525.]

Aug. 6. Whitehall. **1000.** Council of Trade and Plantations to the Lord High Treasurer. We have understood by letters from New Yorke, and by applications made to us here, that the payment of the four Companies in that Province is in great disorder, which may be very prejudicial to H.M. service; Captain Nanfan, the late Lieutenant Governour, being under arrest, upon account of their pay and bills drawn by him; so that we thought it our duty to represent the same to your Lordship, that your Lordship may be pleased to give such directions therein as may best conduce to the putting an end to those disorders. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 5, 1120. *p.* 16.]

Aug. 6. Whitehall. **1001.** Council of Trade and Plantations to Governor Dudley. Having in our letter of July 29, acquainted you with our intention to use our best endeavours, that H.M. may be pleased to send you some great gunns and stores thereunto appertaining; we are now further to inform you, that our report of the want thereof for the Castle of Boston, having been laid before H.M., according to what you had writ us, the same was graciously received. and we do not doubt but some supply might have been obtained, if we could have specifyed the particulars. But your letters in that respect having been too short, the same was referred to further consideration. We desire you therefore in order to our better proceeding on the like occasions hereafter, to send us a plan of the Castle of Boston, of that on Castle Island and of all other fortifications under your Government, made or to be made, with a specification of the guns that are already there, and of the guns and other materials which you desire may be furnished to them; that we may be thereby inabled to lay before H.M. such a particular state of the matter as may be necessary. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Mat. Prior. [*C.O.* 5, 911. *pp.* 115, 116.]

Aug. 6. Whitehall. **1002.** William Popple to William Penn. The Council of Trade and Plantations have ordered me to send you H.M. order in Council, Nov. 30, that the same be accordingly observed. [*C.O.* 5, 1290. *p.* 365.]

[Aug. 6.] **1003.** S. Thomson to the Council of Trade and Plantations. Returns thanks for recommendation for post of Attorney General of Virginia, and prays for a recommendation to the Admiralty for a passage for himself and family on board one of the men of war now bound thither. *Endorsed*, Recd. Read Aug. 6, 1703. 1 *p.* [*C.O.* 5, 1313. *No.* 26; *and* 5, 1360. *pp.* 406, 407.]

Aug. 6. Whitehall. **1004.** William Popple to Josiah Burchett. Recommending S. Thomson for a passage *as above.* [*C.O.* 5, 1360. *p.* 408.]

Aug. 6. Whitehall. **1005.** Council of Trade and Plantations to the Queen. We herewith humbly lay before your Majesty an Act past in your Majesty's Island of Nevis Dec. 21, 1702, *For the better securing and confirming the Titles of Land in that Island*, upon which having consulted your Majesty's Attorney General in point of law, and finding that by the clause confirming the titles of land to the possessors thereof (which confirmation is intended only to such possessors who have had possession thereof for seven years) the word, *or*, being inserted instead of the word, *and*, the possessors of land by disseisin at the time of making the said Act, tho' they never had possession for any time before, would thereby be confirmed in such possession against all persons whatsoever, which is apparently a mistake and contrary to the true intent of the Act, we humbly offer that your Majesty would please to declare your disallowance of the same. *Signed*, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 205, 206.]

Aug. 6. Whitehall. **1006.** Journal of Council of Trade and Plantations. Upon intimation from Mr. Bennet that, having been out of town when notice was given him to attend, he was desirous to wait upon their Lordships with papers from his brother whensoever their Lordships shall think fit, ordered that he have notice to bring them with an abstract on Tuesday.

Letter from Mr. Stephen Thomson read, and letter to Mr. Burchett ordered accordingly.

Letter to Col. Dudley signed.

Letter to the Lord High Treasurer signed.

Representation upon an Act of Nevis signed.

Order of Council, July 30, concerning Mr. Penn's Instructions relating to the Acts of Trade, read.

The Lord Bishop of London's notes upon the two Acts of New Hampshire read, and ordered to be taken into consideration together with the said Acts, when the Board shall be ready to report upon them. [*C.O.* 391, 16. *pp.* 197–199; *and* 391, 97. *pp.* 557–559.]

Aug. 7. **1007.** Attorney General to the Council of Trade and Plantations. I have considered the Act of New Hampshire *for the confirmation of town grants*, and am humbly of opinion that it is fitt that the same be repealed, for that it confirms all grants of lands that have been heretofore made unto any person or persons by the inhabitants of the respective towns within that Province or by the Select Men or a Committee in each towne, without having any regard to a saveing of the rights of any persons who might be intituled to the same before the makeing such grants. I have also considered the Act to *prevent contention and controversies that may arise concerning the bounds of the respective towns within this Province*, and am of opinion that this is also fitt to be repealed, if the same intrenches on the rights of particular persons, as I find by Mr. Popple's letter the same hath been made to appear to your Lordships. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Aug. 13, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 47; *and* 5, 911. *pp.* 124, 125.]

Aug. 7. Boston. **1008.** Minutes of Council of the Massachusetts Bay. H.E. communicated to the Council several letters just now received from Piscataqua, intimating the discovery of some French Indians, at or near Newichewannock; he acquainted them with the orders he had already given to the forces in those parts, for scouting and marching, and those in the County of Essex and Middlesex, which was thought sufficient until further intelligence.

Ordered, that the Selectmen and Overseers of the Poor of Boston do take a list of the names of all the free male negroes in the town capable of labour, with their wives and children dependent on them, and present the same to H.E. the Governor, and that H.E. be pleased to direct that they do some publick service equivolent to the dutys performed by H.M. subjects in traynings and watchings. [*C.O.* 5, 789. *p.* 525.]

Aug. 8. Barbados. **1009.** Governor Sir Bevill Granville to William Popple. *Refers to enclosures.* The *Coventry* and *Kinsale* men of war saile to-morrow with the trade that shall then be ready, they goe from hence to the Leeward Islands, which is a greivance to the vessels bound from hence, it being directly out of their way and may be fatal to them if the high winds should blow, which we alwaies expect at this time of the year, when the ships from hence and those at the Leeward Islands are joyned. I beleive the fleet will consist in near 100 sail. *Signed*, Bevill Granville. *Endorsed*, Recd. 22nd, Read Oct. 25, 1703. *Holograph.* 2 *pp.* *Annexed*,

1009. i. Abstract of preceding. 1 *p.*

1009. ii. List of 51 French prisoners sent to England from Willoughby's Fort on board several merchant ships. Aug. 3, 1703. *Endorsed as preceding.* 2 *pp.* [*C.O.* 28, 6. *Nos.* 104, 104.i. ii; *and* (*without enclosures*) 29, 8. *pp.* 332, 333.]

Aug. 8. Barbados. **1010.** Governor Sir B. Granville to the Council of Trade and Plantations. The Gunners sent over hither by H.M. and appointed to be paid out of the 4½ p. cent., doe not yet know where they are to demand their pay: they will be under great hardships, if they are not put on an establishment whereby they may receive their pay here, and that regularly; for the present Mr. Cox has supplyed them upon my ingagement to see him reimburst. I take the liberty to lay this matter before your Lordships being all here under your care and protection, and do earnestly desire that by the repayment of Mr. Cox I may be discharged from my obligation to him, and that for the future there may be such orders sent hither as will impower the Commissioners of the Revenue to give the Gunners their pay regularly. *Signed*, Bevill Granville. *Endorsed*, Recd. 3, Read Nov. 5, 1703. *Holograph.* 2 *pp.* [*C.O.* 28, 6. *No.* 104; *and* 29, 8. *pp.* 339, 340.]

Aug. 8. Antigua. **1011.** Governor Codrington to the Council of Trade and Plantations. My good Lords, I have received your Lordships' pacquet to-day by the advice boat, but I still continue so wretchedly weak and my head so dizzey that I can scarce read your Lordships' letters, much less answer them as I should. The fleet is expected every minute from Barbadoes, so I cannot hope to write to your Lordships to any purpose till the next Pacquet boat. I expected a Furlow by this ordinary, but find myself abandon'd by all my friends. Never man who liv'd was ever reduc't to so low a condition as I have been; having lost every drop of blood in my veins, my eyesight and the use of my limbs. I beleive I cannot perfectly recover without a voyage to Europe. I should have been very well content to have lost my life, which everyone knows I ventur'd freely enough, provided Mr. Walker had done his Duty. Had he staid out his time at Guardaloupe, we should have been Masters not onely of all the people of that Island, but 800 the very choicest men of Martineque; and then the remaining conquests would have been very easy. Now we suffer for our own victory. The ruin'd people are all turn'd privateers, and these Island must starve and perish, if care be not taken of them. *Signed*, Chr. Codrington. *Endorsed*, Recd. 15, Read Oct. 18, 1703. *Holograph.* 2 *pp.* [*C.O.* 152, 5. *No.* 33; *and* 153, 8. *pp.* 211, 212.]

Aug. 9. Barbados. **1012.** A. Skene to the Council of Trade and Plantations. Enclosing the last Quarterly Minutes, "but all the Ruled Paper being gone which you were pleased to send over, I am oblidged to transcribe them on such as I can gett here." *Signed*, A. Skene. *Endorsed*, Recd. 25, Read Oct. 29, 1703. 1 *p.* *Enclosed*,

1012. i. Memorandum of Minutes of Council of Barbadoes, Feb. 28, 170$\frac{2}{3}$—May 18, 1703. $\frac{1}{2}$ *p.* [*C.O.* 28, 6. *Nos.* 105, 105.i.; *and* 29, 8. *pp.* 338, 339.]

Aug. 9. Bermuda. **1013.** Lt. Governor Bennet to Mr. Popple. You'l see by this voluminous pacquet (which I desire you to lay before their Lordships) that I have sent what chiefly relates to Mr. Larkin and myself; Sr. all I beg of you only to consider when you read my letter and vouchers, how much I have been injured, and pray observe what little reason Mr. Larkin had to differ with me, and then I am satisfyed I shall not suffer in your opinion. I am very sensible what great trouble we create to you and your Office, at which I am concerned but not to be avoyded by me etc. *Signed*, B. Bennett. *P.S.*—*Sr.* As I was closing this pacquet a sloop came in from Boston in New England, and brought me severall letters from their Lordships of March 16, 170$\frac{1}{2}$ and March 2, 170$\frac{2}{3}$ and March 19, 170$\frac{1}{2}$. What answers are expected to the same I will returne by the first opportunity. *Signed*, B. Bennett. *P.S.*—I have returned that letter directed to Mr. Larkin (which I suppose came from your Board) in my former pacquet, and yt that came enclosed with it from Sir Charles Hedges, I have returned it to himself, Mr. Larkin being gone before they arrived. *Endorsed*, Recd. Oct. 11, 1703. *Holograph.* 2 *pp.* [*C.O.* 37, 6. *No.* 1; *and* 38, 5. *pp.* 450, 451.]

Aug. 9. Bermuda. **1014.** Lt-Gov. Bennett to the Council of Trade and Plantations. *Repeats beginning of No.* 538. Since my last I have received three pacquets (one of which was from my Lord Nottingham);

1703.

they were sent to me by the Governour of Barbadoes who arrived there in May. Those pacquets from your Lordships contained letters of November 30, January 26, March 2 and a duplicate of the same. In that of November 30 was enclosed a duplicate of H.M. Order in Councill of November 14, 1702, relating to the disallowance and repealing an Act of Assembly, entituled an Act to prevent the oppression and extortion of officers, which Order I have taken care to publish and have it endorsed at the end of the said Act entred in the Assembly Book. In that from your Lordships of March 2, I find Mr. Larkin has made great complaints of his hard usage here, and of the little respect that was paid to his Commission, and your Lordships seem to blame me for not showing kindness and civility to him as H.M. Officer, nothing of all which was wanting to the utmost of my power, as will be made appear; and as his complaints are refer'd to an examination at his return to England, which I presume is in order to doe him justice, so I beg to have leave to come over and answer for myself, and make good my charge against him, wherein I doubt not but to make appear, that his indignities to me as Governour was more than I ought to have bourne, and as for his barbarous reflections, affronts and abuses to me as gentleman, they are beyond president, and I beg leave to observe that his imprisonment was not on account of my resentments, but for crimes committed against his late Majesty and this Government, so that I hope his being sent to the Castle, will in no measure be thought satisfactory for my being ill used, and although he complains of my want of respect to his Commission, yet if it had not been for the regard I had to it, Mr. Larkin should have been made sensible that I was not to be treated after soe infamous a manner, and I doubt not but your Lordships will represent it to H.M. accordingly when matters are duly examined into. I also acquainted your Lordships by Mr. Popple, that I have received a copy of Mr. Larkin's letter to your Lordships of August 19, to which I have returned herewith (I hope) a satisfactory answer, and as I must ever acknowledge your Lordships' great favour and justice in sending it to me, soe I dispute not but your Lordships will doe me right therein.—I also acquainted Mr. Popple, that I have received four pacquets from my Lord Nottingham all of May 7 was twelve months, with orders to proclaim war, which was accordingly done on September 20, and before that time upon consulting with the Councill, H.M. had been proclaimed the 3rd of the same month. I also gave an account that on September 13 last, ten large French vessells were seen off from the West end of those Islands, whereof two run a shoar, and one remains a wreck, but I think it needless to proceed any further in that account, having so often transmitted it. Since my last, a letter came from Mr. Scheen, Secretary of Barbados, to Mr. Larkin which informed him he was made Secretary of all the Leeward Islands, whereupon Mr. Larkin desired I would let him goe to his post, which I readily consented to, without taking any manner of security from him; and upon his going he was persuaded to let me have copies of Affidavits he had taken as publick Notary since he came into this Government, and if any of them are made use of before your Lordships to my prejudice, I desire my brother, Mr. John Bennet, living in Essex Buildings, may be sent for, who is instructed what to say on my behalf. I have herewith sent an Affidavit of one Mr. Greatbeach, wherein your Lordships may see how I and the Councill are abused by the late Sheriff, and I hope as I am here on H.M. Service, such barbarous practices will not be suffer'd: I conclude Mr. Jones has waited on your Lordships long before this can arrive, and presume he brought one with him as an evidence, which, if the same man I mean, will prove a fit fellow for Jones his purposes. The person I suspect is one Robert Cunningham a soldier in Capt. Sands his Company here, who has deserted the same by not returning from Carolina, to which place he had leave to goe on some extraordinary occasion as his Captain pretended to me; He is a Scotchman pritty tall, used to wear a fair perriwig, has reddish hair, freckels in his face, and large ones on the backs of his hands. I conclude he has not appeared under the character of a soldier. and if he has not answered all Mr. Jones his expectations, but can be found out and summoned again, I beg (if this deserter has sworne or pretended anything to my prejudice) that he may be sent for, and that Mr. Davis (who is my Secretary and comes over with this pacquet) may be ordered to attend att the same time, and be admitted to make his objections to both their informations. And I further request, that untill I am permitted to come home, that my brother and my Secretary may be sent for when anything is before your Lordships concerning the dispute between me, Mr. Larkin or Captain Jones; for they are in a great measure capable of answering to what questions can be asked relating thereunto. and I doubt not only to be justifyed in my proceedings, but that my injurys will appear soe intollerable, that it requires a great deal of Christianity to say they can ever be forgiven, for I would much rather dye than live under the scandall and infamy that Mr. Larkin and Jones have dilligently spread abroad of me. Therefore I must once more intreat your Lordships to be of opinion, that it is reasonable and necessary that I have leave to come home, and to represent it to H.M. accordingly, that I may appear and justify myself and make good my charge against Mr. Larkin. I know he will pretend what reflections he made on me was when under confinement, but my Lords if that was a reasonable excuse, the affidavits plainly shows that he reviled me before that happened, and also after he had his liberty, when he pretended to goe in the sloop *Shadow* to Jamaica; and I doubt not but he continues it now wherever he goes, it being according to his repeated expressions, that he would spoile my reputation in the West Indies. I did mean to have given your Lordships a regular account of all transactions from the date of Mr. Larkin's landing here, to the time of his going away, and accordingly had prepared the same: but it proved so very long, that I feared your Lordships would not have leasure to hear it read, therefore I have only sent herewith heads of it, and the

1703.

account at large I have enclosed to my brother, whereby he will be instructed (together with having transcripts of all papers I send to your Lordships) to answer most questions that can be asked him, and also quallifyed to acquaint your Lordships of my grief. On the 9th instant a briganteen called the *Loyaltie*, William Mallagain master, came in here, who left Portsmouth in February last, but being disabled by bad weather, was forced to put for Lisbon, by which I received two pacquets, one from your Lordships the other from Mr. Popple, that from your Lordships bears date July 13, 1702, with an order enclosed relating to Collonel Day's returning home with his effects, a duplicate of which was produced to me by him when in Councill some time before he dyed, and ready obedience was given thereunto: that from Mr. Popple bears date November 30, being the originall of the aforementioned duplicate relating to the disallowance and repealing an Act of Assembly, entituled an Act to prevent the oppression and extortion of officers. From Virginia I am advised that a vessell came in there on the first of June last from the Coast of Guinea (belonging to that Company) commanded by Capt. Thomas Arhard, who reports that two French ships had taken off of Angola one of the Companies ships and two Dutch vessells, and that he saw the French engaged with two other ships which he supposed to be Dutchmen. From Nevis I am informed that a ship belonging to Bristoll, Captain Bennet Commander, bound to Antegua, was boarded and taken in that latitude by two French Privateers about May 16. From Antegua I hear that a French Privateer came into the Old Road of St. Christophers, and carryed away in the night a Briganteen belonging to that place, loaded with sugar and ready to sayle for England. The Barbados fleet arrived there about the last of June. I had like to have omitted acquainting your Lordships that Mr. Larkin very much insisted on having the rules and methods back again that he gave for our information in holding Courts of Admiralty; the reason of which I can't imagine, neither doe I think he ought, for all the Commissioners signed to them, as agreeing to what he prescribed, and ordered it to be made a record, a copy of which I have now transmitted; one direction in it I doe not well understand, for he says the Register in case of condemnation is to pronounce sentence of death, which I thought was the President's business, but I shall submit to his rules, as being ordered soe to doe. Mr. Larkin by his warrant had one Capt. Samuell Gilbert taken up, on account of taking a Pereauger from the Spaniards in the time of Collonel Day's Government, and when he was brought before him he had little to say to the Prisoner; and bid him come again in four or five days, without obliging him to put in bail or continuing him in custody; which with submission I think is irregular. The proceedings against the said Gilbert in my predecessor's time concerning the pereauger are herewith transmitted, and desire to know what must be further done therein. I have also sent the examinations of Collonel Outerbridge, Mr. Dickenson and others, who were taken up by my warrant as accessorys in piracy, with the Commissioners' opinion thereon, and also a remonstrance from those persons to me relating to that prosecution. By a vessell that came in here from St. Thomas's, I understand that French Privateers are now thick in the sea, and that there are already 26 saile fitted out of Martinico. Upon examining the Master of this sloop about his voyage, I found he went with a freight of tarr, porke, beer, flower and bacon from New York, and was consigned to a person in St. Thomases, and added it was very usual for vessells to goe with provisions from the Norward thither. The meaning I relate this to your Lordships is, that the French nor Spaniard will want provisions when they can be supplyed by way of this neutral port. The return thats made for these goods are rumm, sugar and molasses. By a letter that just now came to me from the Chief Justice of Carolina, I am informed that Capt. Jones (the late Sheriff here) carryed his wife and one Holbeach her brother before the said Chief Justice, who made oath that I knew and was consenting to Jones his going away from hence, and that I wished him a good voyage. Now (if this were true) how these people could swear it I can't imagine, for I affirm, that neither his wife nor brother was with him when he came to me, at any time after he published his name to be gone. As for knowing he was bound to Carolina, that could not be avoyded, for our custome here is, that when any person is outward bound, he is published in the churches, but the test of his being permitted to goe, would have been when the sea brief and tickett came to be signed by me, but Capt. Larkin did not (as being Master he ought to have done) proceed so far as that, but sent away the vessell only with the Collector and Navall Officer's clearings. It is also true, that I was thus further knowing of Captain Jones his intending for Carolina, for he came to me (but was also then alone) and in a most melting pittifull manner, beg'd I would signe his tickett, my answer was that I was concerned I could not, till Captain Larkin had cleared his vessell in the Secretary's Office, and that was the last time I saw him. The use I apprehend that is to be made of these affidavits, is to clear Mr. Larkin from being said to have contrived clandestinely to convey away Capt. Jones, which with submission I think is very apparent by the proofs herewith transmitted, my Lords I have nothing more to add but to beg that I may have time given me to come home and justify myself. *Signed*, Ben. Bennett. *Endorsed*, Recd. Oct. 11, Read Nov. 12, 1703. *Holograph.* 10 *pp.* *Enclosed*,

1014. i. Abstract of preceding. 2¼ *pp.*

1014. ii. Jos. Holbeach, Master of the *Shadow* (*cf. Cal.*, 1702, *p.* 706), to Mr. Larkin or Dr. Star. Jan. 12, 170⅔. Chiefly scurrilous abuse of Lt. Gov. Bennett. "Here," [*Carolina*?] "is mightie good company and good provision enough and passages always to England, or any part of the West Indies at any time; here is five ships now bound for England, some for Bristol, and some for London, if you please to make this your way" etc. *Signed*, Jos. Holbeach. *Endorsed as preceding.*

1703.

Subscribed, This letter Mr. Larkin sent to me by Doctor Starr, I suppose to affront me. B. Bennett. *Copy*. 2½ *pp*.

1014. iii. Affidavit of Capt. John Peasley of H.M. Castle in Bermuda, Aug. 10, 1703. Mr. Larkin was committed to Deponent's custody Jan. 4, who entertained him at the Castle with every courtesy as commanded. After some days the Governor ordered him to take Larkin to his own house for his better accommodation, but Deponent having had him ashore at his house before and he behaving himself so lewdly that Deponent's wife declared that she would remove herself and family from her house if ever he came there any more to stay, whereupon Deponent applied that he should remain at the Castle where he had all the accommodations he asked for or required. Notwithstanding all these civilities, Larkin behaved himself very ungratefully and extravagantly, often degrading, vilifying, ridiculing and threatening H.E. in his administration, the Gentlemen of the Council, Magistrates and inhabitants of these Islands, using most profane, lewd discourses and unparaleld swearing and curseing in his common conversation, to the amazement and terror of Deponent and all persons who heard him, insomuch that the very guards at the Castle made daily complaint thereof, etc. etc. Mr. Larkin was given every opportunity of meeting the Justices convened to take his affidavits, but refused and avoided them. He was kept well informed of vessels bound out to sea, H.E. never being inclined to detain him, etc. 2 *pp*.

1014. iv. Copy of Minutes of Council of Bermuda, Aug. 18, Sept. 7, 21, 30, Nov. 11, 1702, March 17, 1703. Certified by the Governor, Secretary and Council. *Endorsed*, Recd. Oct. 11, 1703. 6 *pp*.

1014. v. Affidavit of Edward Hubbard, of St. Georges. Gives details of Mr. Larkin's slighting references to the Justices of Bermuda, Capt. John Morris' Commission, and his lewd behaviour and conversation as regards women. 1 *p*.

1014. vi. Affidavit of Daniel Johnson, J.P., that on Jan. 4 at St. George's, Christian Dorset swore before him that she was with child by Judge Larkin. ½ *p*.

1014. vii. Copy of Minutes of Council of Bermuda, Jan. 4, 1703. 1 *p*.

1014. viii. Copy of Minutes of Council of Bermuda, March 1, 1703. 1¼ *pp*.

1014. ix. Copy of bond in 1,000*l*. to be entered into by George Larkin to answer in England within a year to H.M. for all things for which he was committed prisoner in Bermuda. ½ *p*.

1014. x. Affidavit of Charles Minors, Secretary of Bermuda, as to Mr. Larkin's clearing of the *Shadow* etc. 1¼ *pp*.

1014. xi. Affidavit of George Leacroft, pilot, as to the transactions of Edward Jones and George Larkin with regard to their endeavour to induce him to carry out the sloop *Shadow* without a proper certificate of clearing, Oct. 26, 1702. 2 *pp.*

1014. xii. Affidavit of William Milborne. On Oct. 30, 1702, deponent heard Mr. Larkin say that but for four, Mr. White, Walker, Spofferth and Dickinson, whom he would like to put on a maroon island, this Government would be as quiet as any of the Plantations. He boasted that Edward Jones would not be seized, unless it were by a privateer etc. 1 *p.*

1014. xiii. Affidavit of Capt. Thomas Brooke as to Edward Jones making a present of a diamond ring to Mr. Larkin. ½ *p.*

1014. xiv. Affidavit of Capt. Mathew Newnam as to the scandalous and opprobrious language used by Mr. Larkin in company with Col. Day, Dr. Starr and others, at the end of Oct., 1702. 1 *p.*

1014. xv. (*a*) Petition of Jane Milborne, widow, to Governor Bennett. Having obtained two verdicts against Edward Jones, upon his appeal, your Excellency granted to him an injunction, that your Excellency and Council should hear his cause. Now Jones is carried off the Island, his escape contrived, it is believed, by Geo. Larkin.

(*b*) Similar petition of Tho. Watkins. *Copy.* 1 *p.*

1014. xvi. (*a*) Similar petition of Tho. Smith Senr. with regard to Samuel Harvey, similarly carried off by Mr. Larkin.

(*b*) Similar petition of Saml. Smith of Pembrook and Richard Gilbert of Devonshire Tribe with reference to Samuel Harvey. *Copy.* 1 *p.*

1014. xvii. (*a*) Robt. Dacres to Cha. Minors. Feb. 23, $170\frac{2}{3}$. The sloop *Shadow* arrived in this port [? *Carolina*] from your Islands, Nov. 10th, and Joseph Holbeach entered her as Master himself, but being asked where Capt. Geo. Larkin was, who was mentioned as Master in the certificate for the clearance of the *Shadow*, he said he was taken extreamly ill the day before they were to sail, and had appointed him in his stead and forgot to give him Gov. Bennett's lett-pass, after which plausible story the Governor admitted him to enter the said sloop. In a short time he got a loading to Jamaica, where she went, and in the same Mr. Edward Jones, who I since understand is gone for England. *Annexed,*

(*b*) Copy of certificate of clearing of the *Shadow*, Capt. Geo. Larkin, Commander, for Carolina. Bermuda, Oct. 21, 1702. 1 *p.*

1014. xviii. (*a*) Deposition of Lancelot Sandys. On Nov. 28 last Geo. Larkins came up to the Governor's dining-room in St. George's in an absurd manner and demanded his ticket to be then gone, to which H.E. replied "Show me the clearings you took out of the Custom House

1703.

here as Master of the *Shadow*." Larkin replied that he could not, then that he would not; then went, and returning said that he would not proceed any further in any business during his stay there. During his abode in these Islands, deponent hath heard him declare in a degrading manner that H.E. assumed to himself the title of Capt. General, which did not belong to him, and often speak slightingly of him, long before he took out clearings for the *Shadow*, and speak reflectingly of the Council, that there was ne'er a one of them fit to make a Constable in England; and that he would buy a vessel here and go directly for England.

(*b*) Deposition of Tho. Brooke, Collector, that some considerable time before Geo. Larkin was put prisoner into the Castle, deponent heard him say several times he would go home in the ship *Charles*, if he could, she being then at anchor in these Islands. *Copy*. 1 *p*.

1014. xix. Copy of Deposition of Hannah Hilton, Bermuda, as to George Larkin seducing a mulatto named Nanny, when lodging at her house. Nov., 1702. 2 *pp*.

1014. xx. Copy of Deposition of the girl Ann or Nanny to the same effect. 1 *p*.

1014. xxi. (*a*) Deposition of Elizabeth Read that on the day when Mr. Larkin was taken into custody, he sent her to his trunk to take out the King's Commission and also the King's letter to the Trusty and Well-beloved Governor of Jamaica. Mr. Rawlings, the Marshal, brought them to him in Col. Day's house. Mr. Larkin bid him carry it from whence he brought it, for he had nothing to do with it, and pushed it off the table and kicked it with his foot, and bid deponent kick it out of doors and nail it on the bridge, saying, should they who served the King be served so, he would serve no longer, and finally put the Commission and Letter between two stones at the bottom of the steps in the street. *Copy*.

(*b*) Deposition of Hester Graisbury to same effect as preceding. *Copy*. 1 *p*.

1014. xxii. Copy of Lt. Governor Bennett's Order to George Larkin to confine himself to his lodging. Sept. 30, 1702, ¾ *p*.

1014. xxiii. Copy of Lt. Governor Bennett's Warrant for committing Mr. Larkin to prison for defying preceding Order. Oct. 1, 1702. ¾ *p*.

1014. xxiv. (*a*) Copy of Lt. Governor Bennett's summons to Mr. Larkin to appear before him at Council Table at St. George's at 9 a.m. Nov. 3. Nov. 2, 1702. ¾ *p*.

(*b*) Copy of Lt. Governor Bennett's summons to Geo. Larkin to appear at the Council table at St. George's 10 a.m. Nov. 11. Nov. 10, 1702. ¼ *p*.

1014. xxv. (*a*) George Larkin to Lt. Governor Bennett. Nov 3, 1702. I expected according to your order of yesterday to have been heard to-day to answer what you have objected against me, and I gave my attendance from 9 till 1 accordingly, that the service of the Crown by the loss of my passage to Jamaica might not bee prejudiced. However if anything be to bee done against me, I desire that I may bee present, and that no affidavitt or examination bee taken in writing, but I may hear the witnesses pronounce the very words, and, if I see occasion, to cross examine them, and that the same may be reduced into writing before mee, for I am too sensible of the Bermudian way of takeing affidavits, and I desire I may have a time assigned mee for the examination of my witnesses. *Signed*, Geo. Larkin. *Copy*. ½ *p.*

(*b*) Remarks of Lt. Gov. Bennett on preceding. So I did waite, expecting a full Council, for want of which nothing was done that day. But I conclude him not in so much hast to be gone, or why not in the *Shadow* as he pretended? Hee should have been present the next Council day, when the witnesses were examined according to my promise to Dr. Starr on his behalf. But for this unmannerly letter for my giveing him notice to attend was more than I was oblidged to do before the informations were taken, for itt might have happened that the account given would have been frivolous, but I think the Collector's letter from Carolina and copy of the *Shadow's* clearings herewith transmitted makes Mr. Larkin's contrivance very plaine, and to have defrauded H.M. by conveying away Jones besides imposing upon Government and country by breaking through the rules and methods thereof, to the great damage of several persons, whose petitions are herewith sent, by the said vessel's carrying away Harvey. As for knowing the Bermudian way of taking affidavits, it's such a reflection as never was put on a Government. *Signed*, B. Bennett. ½ *p.*

1014. xxvi. Copy of Lt. Governor Bennett's warrant to John Rawlins, Provost Marshall, to allow George Larkin liberty to depart these Islands on H.M. service, provided he go on board the *Shadow* in six hours after demanding sight hereof. Oct. 21, 1702. 1 *p.*

1014. xxvii. Deposition of Lieut. Robt. Henley. Nov. 5, 1702, as to Mr. Larkin's indecent abuse of Col. Day, saying that he had opposed the Government to do him a service etc. etc. *Copy*. 1 *p.*

1014. xxviii. Deposition of Jno. Davis, Registrar of the Admiralty Court, as to Mr. Larkin's pulling down the notice of an Admiralty Court, etc. Sept. 25, 1702. *Copy*. 1 *p.*

1014. xxix. Deposition of Tho. Brooke, Collector, confirming preceding. *Copy*. ¾ *p.*

1014. xxx. Deposition of John Rawlins, Provost Marshall, as to Mr. Larkin's violent language, and behaviour etc., corroborating *Nos.* xxi, xxvii. *etc. etc.* *Copy*. 2 *pp.*

1703.

1014. xxxi. Deposition of Caleb Wright confirming *No.* xxvii *etc.* *Copy.* 1 *p.*

1014. xxxii. Copy of Minutes of Council of Bermuda, Aug. 18, 1702. 2 *pp.*

1014. xxxiii. Copy of Minutes of Council of Bermuda, Sept. 7, 1702. 1 *p.*

1014. xxxiv. Depositions of Capt. Lancelot Sandys and William Bilton, mariner, that on Dec. 30, 1702, they heard Dr. Starr publickly declare that the Council of these Islands were villains and rogues. *Copy.* 1 *p.*

1014. xxxv. Deposition of John Bayly and Dr. Geo. Owen that Mr. Larkin in Oct., 1702, referred to himself as about to supersede Governor Bennett. *Copy.* 1 *p.*

1014. xxxvi. Deposition of John Tankred that on Oct. 16, 1702, he heard Mr. Larkin and Mr. Jones declare that Col. Day was a rogue, and Mr. Larkin declared that Col. Day was the original cause of his quarreling with the Governor, and he knew not for what reason, and Capt. Jones declared that Col. Day had been the ruin of him, Jones. *Copy.* ½ *p.*

1014. xxxvii. Reasons offered by Lt. Gov. Bennett and the Council of Bermuda for their confining George Larkin on Jan. 4, 170⅔. A résumé of above depositions and Lt. Gov. Bennett's letters, 1702, 1703. *Signed*, B. Bennett, Richard Peniston, Cha. Walker, Anthony White, Thomas Harford, Benj. Hinson, Patrick Downing, St. George Tucker. *Endorsed*, Recd. Oct. 11, 1703. 17 *pp.*

1014. xxxviii. Representation of the Civil and Military Officers of Bermuda to Lt. Gov. Bennet against Mr. Larkin. Recapitulates his intrigues with Col. Day against the Governor, his tearing down the notice of the Admiralty Court, *etc.*, and bears testimony to the zeal and excellence of Lt. Governor Bennett's Government. *Signed*, Military officers: Antho. White, William Tucker, John Trimingham, Wm. Seymor, Sam. Smith, George Darrell, Danl. Keele, John Harvey, John Harford, Dall. Tucker, Len. White, William Stone, Richd. Peniston, Nat. Butterfeild, Phillip Leu, Nath. Prudden, George Tucker, Joseph Hinson, Joseph Todd, Florentine Cox, Wm. Watlington, Thos. Wood, Will. Stafford; Justices: Wilm. Tucker, Wilm. Outerbridge, John Dickenson, Saml. Smith, George Darrell, Thom. Forster, Sam. Sherlock; Council: Richard Peniston, Charles Walker, Antho. White, Thomas Harford, Michl. Burrows, Benj. Wainwright, St. George Tucker, Benj. Hinson, Patrick Downing, Saml. Spofferth. *Endorsed as preceding.* 14¼ *pp.*

1014. xxxix. Remonstrance of William Outerbridge and others to Lt. Gov. Bennett. George Larkin, amongst his other horrid evil practices *etc.*, maliciously endeavoured to traduce remonstrants to your Excellency in Council, as accessories to piracy by the Act not passed till

11 William III, nor commenced till Sept. 29, 1700, and even as principals with one Capt. Tew, who came into these Islands about 1691 and purchased a share in the sloop *Amity*, whereof Remonstrants were part owners, and obtained a Commission as a privateer. Some short time after arriving in New England, Tew sent remonstrants an account, with an order to come and receive the produce of his voyage, which we accordingly did, but being all desirous to have no further correspondence with him, he being a non-resident in these islands, by a general consent we quitted our several shares in the said vessel, and having received a private intelligence of their intentions of going to Red Seas, to which Remonstrants were very averse, we therefore forthwith returned back to these Islands. All which was long before the commencement of the Act aforesaid. And although your Excellency and Council found no reason in him to charge Remonstrants with the crime aforesaid, he yet, wilfully and obstinately deviating from his Instructions urged your Excellency to proceed against them in the charge as Vice-Admiral of these Seas. Moreover, when Lt. Col. Outerbridge and John Dickenson were convened with the Justices of St. George's to examine several lewd, vicious and debauched practices shamefully and openly committed by Larkin upon a slave belonging to H.M. service, we, willing not to expose him to the publick by a constable, sent the Marshal in a civil manner to desire him to come and hear the accusations. But he most contemptuously said he was busy, yet in a little time appeared, but on purpose to evade hearing the accusations against him, delivered another warrant against Richard Gilbert the younger, to bring him before Larkin, who coming, Larkin alledged nothing against him, but bid him come to him again in 4 or 5 days; and when Larkin perceived the Justices had issued their warrant to commit him, till he found surety for his good behaviour, he immediately absconded, and sent out his own warrant to commit Remonstrants to prison, altho' so legally discharged as aforesaid *etc*. *Signed*. Wm. Outerbridge, John Dickinson, Thomas Hall, senior, and Richard Gilbert, jr. 1 *large p.*

1014. xl. Deposition of William Outerbridge, Confirming first part of preceding, relating to the *Amity*. He sent Capt. Stone as his agent to look after his interest in her at Rhoad Island and received some money as his share. *Copy*. 1 *p.*

1014. xli. Deposition of Thomas Hall in confirmation of the same. *Copy*. 1 *p.*

1014. xlii. Deposition of John Dickinson, as to receiving money from Tew in right of his wife. *Copy*. ½ *p.*

1014. xliii. Deposition of Gilbert Nelson. When Col. Day was Governor he heard him discourse Capt. Samuel Stone about the money he brought from Rhoad Island (*Tew*) for Mr. William Outerbridge. Stone then said that if Col. Day would be as good as his promise to him, he would be the like to him in giving him a copy of his journal. This meant that Col. Day was to give Stone a pardon, which some time before the present Governor's arrival, Day showed to Deponent. Deponent hath heard Stone both before and since this Governor's arrival declare that he either recd. at Rhoad Island 550*l.* for his uncle Outerbridge, or paid him 550*l.* in Bermuda, but which of the two deponent doth not well remember. *Signed*, Gilbert Nelson. *Copy.* 1 *p.*

1014. xliv. Deposition of Richard Gilbert jr. Part owner of the *Amity* he received something as his share. Tew told him that he used his utmost endeavour to come to his commissionated Port, that he beat for a fortnight after he had sprung his mast. He supposes the sailors were men of fortune and upon shares. *Copy.* 1 *p.*

1014. xlv. Deposition of Richard Gilbert, senior. He went to Rhoad Island to receive his son's share (xliv.) *etc.* *Copy.* 1 *p.*

1014. xlvi. Deposition of Saml. Day, late Lt. Governor. He granted Stone a pardon for his discovery about his fetching money for his uncle Outerbridge from Rhoad Island, which deponent understood was gotten by one Tew, famed for a notorious pyrate. *Copy.* 1 *p.*

1014. xlvii. Deposition of Capt. Samuel Stone. Confirming Nos. xxxix, xl. etc. The several owners of the *Amity* received at Rhoad Island from Capt. Tew about 3,000*l.* He heard that Tew had got this gold somewhere towards Madagascar. *Copy.* 1 *p.*

1014. xlviii. Deposition of Capt. Samuel Stone. The paper below was his handwriting which he gave to Col. Day in return for a pardon. It was said when he was at Rhoad Island that the money they had for the part owners of the *Amity* was buried in the ground. Capt. Tew proposed to deponent to give him Outerbridge's part of the *Amity*, arguing that the rest of the owners of the sloop had given him their parts, and added that if not, he should not have Outerbridge's part of the produce. *The paper referred to was* :—Mr. Jno. Gilbert, I verily believe my brother Richard might receive 1,500*l.* at least for his son's share of Capt. Tew; for I had about 500*l.* or more as Uncle Outerbridge has said, and his was but a third to his. *Copy.* 1 *p.*

1014. xlix. Deposition of Daniel Smith. He was once at Saltertudos, and went first to Curacao, and so thither; he went to England prisoner with Capt. White by order of Governor Day, July, 1700, and was carried before the Secretary of State and the Judge of the Admiralty, but not committed; he saw Every at Providence and Royal Island. Nov., 1702. *Copy.* 1 *p.*

1014. i. Deposition of Lt. Governor Day Nov. 11, 1702. About Jan., 1698, arrived one Danl. Smith of these Islands. The night after his arrival Col. Wm. Outerbridge came to Deponent to ask him if he knew that Danl. Smith was arrived. Deponent answered that Danl. Johnson jr. had said he left him at Barbados. Col. Outerbridge said, I hope you don't believe this. Upon which, the next morning Deponent sent for Johnson, who to excuse himself said that after he, Johnson, came within the Forts of this Island, Smith leapt over and swam to David's Island. After that, Deponent granted his warrant, and Smith, brought before him, begged for mercy. Deponent replied, if he was ingenious, he should find mercy. Then Smith said that William Griffin and Benjamin Griffin, with himself, were three of the men that boarded the great ship that Every took. *Copy.* 1 *p.*

1014. ii. Minutes of the proceedings of the Admiralty Court relating to Daniel Smith on a charge of pyracy. Nov. 11, 1702. Col. Day's depositions were taken and warrant issued for the apprehension of Smith, Nov. 16, 1702. Depositions of Capt. Stone and the owners of the *Amity* taken Nov. 19. Richard Gilbert sr., Richard Gilbert jr., Wm. Outerbridge, Tho. Hall, Jno. Dickinson examined touching the *Amity*. Ordered, that they should attend on Dec. 7 to shew cause why they should not enter into recognizance with security until H.M. pleasure be further known. Nov. 20. An order was sent to them to attend on the 24th, notwithstanding the former order, on consideration that Mr. Larkin intended for Jamaica, before the time then limited. Nov. 24. On their further examination, H.E. ordered a quorum in order to hear the examinants' reasons touching their recognizance and security required per H.E. and Commissioners the last sitting. But Mr. Larkin gave his opinion that one Commissioner in this case would be sufficient. Then the Court proceeded to know the Examinants' reasons, to which Mr. Dickinson replied (1) that they supposed they were not obliged to give any reasons, (2) that by virtue of an Act of Parliament by which the Commissioners did then sit, neither one nor more of them had power to call them to an account, (3) that there's nothing laid to their charge, but what is without the Admiral's Jurisdiction, (4) that as to accessories, the Commissioners have nothing to do in't, (5) that they were charged for nothing but what's done *infra corpus comitatus*. They were ordered to withdraw, and the majority of the Commissioners resolved that they could have nothing to do with them, there being no provision made for the punishment of such accessories till the late Act for the more effectual suppression of piracy. *Copy.* 3¾ *pp.*

1703.

1014. lii. Heads of a letter from Lt. Gov. Bennett to Mr. John Bennett relating to Mr. Larkin's behaviour. *Endorsed*, Recd. Oct. 11, 1703. 2¼ *pp.*

1014. liii. Journal of a voyage of the *Resolution*, Sept. 23, 1698-Nov. 18, 1698, referred to in following. *Signed*, John Morris, jr., Richard Gilbert, jr., Saml. Gilbert, Thomas Hall, Elias Slovill, Aaron Turner, John Argent, jr. 2 *pp.*

1014. liv. Copy of proceedings in Col. Day's time, March 28, 1702, against Samuel Gilbert for seizing a Spanish Periago. Oct., 1698. *Endorsed*, Recd. Oct. 11, 1703. 6 *pp.*

1014. lv. James Grasbury to Capt. Richard Gilberd or any other Englishman. Oct., 1698. [? Saltertudos]. *Gives* notice of a large periauger (referred to in preceding) said to have run away from Martineco. *Signed*, James Grasbury. *Copy.* 1 *p.*

1014. lvi. Deposition of John Peasly that the following declaration was made by Edward Hubbard, decd. and offered to Gilbert Nelson, Chief Baron, on hearing the case against Capt. Richard Gilbert, of the *Resolution*. Nelson would not suffer it to be read or sworn to. *Copy.* 1 *p.*

1014. lvii. Deposition of Edward Hubbard, senr., master of a sloop owned by Mr. James Graisbery. On a voyage to Saltitudos, Sept. 1698, they were warned by a French ship of a pereauger lately run away from Martinico, which might try to take them. They sighted her at Saltitudos and leaving a warning (*No.* lv.) in a bottle, ran away. *Copy.* 1 *p.*

1014. lviii. Deposition of Daniel Greatbeach, mariner, that on Jan. 29, 1703, Edward Jones publickly called the Governor a perjured dog, and said that the Council was forsworn, too *etc.* There were then present Jacob Mayle, Edward James, a relation of Admiral Bembo, Boaz Bell the younger and many more. *Copy.* 1 *p.*

1014. lix. Copy of the method left by Mr. Larkin for holding Courts of Admiralty at Bermuda. *Endorsed*, Recd. Oct. 11, 1702. 13 *pp.*

1014. lx. Copy of proceedings at a Court of Assizes held Dec. 1, 1701, and of Appeal July 6, 1702, relating to a house built by Mr. Day on land belonging to the Crown. Appeal dismissed with costs against Day. *Same endorsement.* 35 *large pp.*

1014. lxi. Copy of a Commission granted by Lt. Governor Goddard to a privateer, May 10, 1694. 1 *p.*

1014. lxii. Copy of a Commission granted by Lt. Gov. Day to a privateer, Sept. 22, 1698. 1 *p.*

1014. lxiii. Copy of affidavit of Cha. Minors that on Aug. 24 George Larkin came to the Secretaries office to look upon the Records. Attestant respectfully acquainted him that H.E. had directed him to ask him if he had any instructions for the same, to which he replied, No person should see or know his instructions, but said

1703.

he would see the records and demanded a copy of the proceedings about Col. Day's house, which attestant promised should be done, and he afterwards had the perusal of them, and from time to time free access to the office and perused the Book of Records and other papers and took several out of the same as he required, and kept them several days in his own custody, until within few daies before his departure. Attestant provided a copy of the form of the Commissions granted by H.E., but Mr. Larkin did not call for it. *Signed*, Cha. Minors, Secretary of the Bermuda Islands. ¾ *p.*

1014. lxiv. Copy of the form of Commission to a privateer granted by Lt. Gov. Bennett. *Endorsed*, Recd. Oct. 11, 1703. 1½ *pp.*

1014. lxv. Deposition of William Jones of St. George's. About Jan. last, he being at Tucker's Town in the said parish, in company with Capt. Peasly and Mr. Larkin, the latter declared he would engage to take those Islands with 300 men. Deponent said, we could bring near 1,000 men against you. Mr. Larkin fell on discoursing what happiness this place might gain, if men would make use of it; that he would engage to come out of England with 1,000*l.* cargo and in seven years make it 10,000*l.*: the way he prescribed was to go to Barbados or the Leeward Islands, and there to take out a cocquet for dry goods, and then pretend money fell short and could not purchase it, and go down to the French or Dutch Islands, and there buy the goods, and who could say against it? *Same endorsement.* ¾ *p.*

1014. lxvi. Copy of Lt. Governor Bennett's Proclamation for raising a troop of horse. ½ *p.*

1014. lxvii. Lt. Governor Bennett's reply to Mr. Larkin's letter of Aug. 19, 1702, *q.v.*, *given in parallel columns.* I was daily expecting orders to proclaim H.M., which are not yet arrived. War was proclaimed soe soon as directions came from my Lord Nottingham. I presume it was not erroneous to pray for Her Majesty, having had so many confirmations of the death of his late most Gracious Majesty. It was concluded in Council most proper to hold Courts in his Majesty's name, until Her Majesty should be proclaimed. But there had been none such held since Mr. Larkin came on shoar to the date of his letter, except the Quarter Sessions. The Secretary and Collector affirm they cleared vessels in his late Majesty's name till Her present Majesty was proclaimed. I had granted nine Commissions before he came, and one since, which differs in words but not in substance, only in that part relating to Marshal Law, wch. I limit according as directed in my Commission, only to be executed in time of war. Indeed there is a clause added, which says that they may do and act as any Capt. of H.M. ships may lawfully doe, but it

1703.

limits them in these words "according to their degree," therefore only meant for Instruction to them. As for Mr. Larkin's pretending he was deny'd copies, it's not true, for at the very time his letter was fraiming, the Secretary had orders from me to let him have recourse to all the Records, wch. Mr. Larkin told me was deny'd him at New England. My answer was, I had done no wrong, therefore valued not who saw them. And to convince your Lordships of this Gentleman's early prejudice, and at the same time every day at my Table, I have herewith transmitted the Secretary's affidavit, that it was on Aug. 24 that the Secretary scrupled to let him peruse the Records and that by Mr. Larkin's desire a copie of one of the Commissions was made, but he did not call for it. As for one of those vessels sailing out of the harbour without the distinguishing Jack, it's unknown to me; but upon the receipt of my Order, I directed such as were at home immediately to comply therewith, and as fast as they arrived, my Orders was still the same. If Mr. Larkin had been the friend he pretended at that time, he would have told me of that mistake. 'Tis the custom in the West Indies to return gun for gun to all commissionated vessels. It is, as he has made it, one of the distractedst Government, I believe, in the Christian World, but otherwise till he came. As for trials at common Law, I never intermedled therewith, and for Courts of Appeal, we have none except the Chancery, tho' he mentions them distinct (so nicely had he informed himself of the Constitution of this Government), and as to that Court, the persons he accuses, nor anybody else ever presumed to prepossess or incline me to either party, and none of the Council upon any trial in Chancery ever behaved themselves undeacently or disrespectfully to me, tho' he has, to the highest dishonour and affront to my Commission. And as for the three Gentlemen he speaks of meeting and agreeing how matters should go before they come to Council, it's publishing me and the rest of that board fools, and them knaves. But these very aspersions is what I have heard long before Mr. Larkin came, and know the greatest part of his letter to be the very dictates of Col. Day, Judge Nelson, late Sherif Jones, Dr. Starr, and others of their party. The original cause why Capt. Jones was suspended, was from the Articles the Assembly prefer'd against him upon oath, and when I sent for him into the Council to let him know what was laid to his charge, instead of thinking himself civilly used by me, he fell into a passion not proper to be endured in that place, and for fear he should further injure himself by his extravagant expressions (for I protest I meant him friendship) I ordered him to withdraw, assuring him I would take care justice should be done, to which he replied in a contemptuous manner, "As for justice, I expect none from you." But this small affront, as Mr. Larkin thinks it, is not mentioned as the cause of his suspension. As for what Appeals were depending in Chancery, they were craved by Mr. Jones to be relieved from verdicts against him at Common Law, and but one of them have been try'd, that related to his office, and that was not given against him, for there were but five of the Council and myself then present, three whereof were of opinion against Jones, and two joined in mine, vizt. that the Sherif's warrants from the Chief Justice were sufficient to justifie him executing them, so that as there was no majority, the cause is not yet determined, neither do I conceive how that or the like can, for by my Instructions I am to allow the Council liberty of debate and vote. Therefore I desire your Lordships' directions what must be done for the future, where equality of voyces happens. As for Col. Day being under the same dilemma, I know not what Mr. Larkin means, for Col. Day was the Appellant, therefore the Appeals can't properly be called against him, and there has been but one of them try'd, wch. related to a house and land Col. Day built on the Crown Land (*proceedings enclosed*). As for the "unheard of practices," it was impossible that he could of his own knowledge speak this, for he had been here but five weeks, and all the matters he mentions were over at Common Law, long before his arrival, and there had been but one Chancery Court, which was the day before the date of his letter, the proceeding in which he makes no complaint of, altho' he took notes all the time. He charges me directly with breaking my oath and Instructions. I humbly insist that he should be obliged to make good this and all other his charges against me, and that I may have time given me to come home and justifie myself, for life without reputation is of no value to me. His owneing my care of the fortifications and Militia is what I did not expect, but he makes it insignificant by saying he thought Nature had sufficiently done it. In the first place I am sure (by the silly questions he asked me when we were in one of the Forts), he knows nothing of fortification, and at that time he had not seen $\frac{1}{10}$ part of the Island. Yet since his opinion to your Lordships of the strength of this country, he has made it his publick discourse that he could take Bermuda with 300 men and two sloops, which may be of ill consequence, there being at that time the officers of the French vessel that was cast away amongst us, and Dr. Starr one of the malecontents, and Mr. Larkin's associate, would be continually discoursing the prisoners, tho' contrary to my orders ; but if an enemy should come with four times that number, I should not value them, especially if Mr. Larkin were at the head of them. The discipline I accustome the Indians and negroes to is, sometimes when the Company's drawn out, I order the soldiers to bring their slaves and lances with them, and after the battalion is exercised, I order the negroes to be intermixt with them, and practise them together in their marchings and wheelings, the negroes having their lances shouldered (which are about 7ft. long), and then I generally march them into the trenches, where I shew the soldiers the way of firing, wheeling off to the right and left, next rank advancing, and what else is necessary to learn them, the negroes all this time being intermixed, and wheel and advance with them, that they may know what they have to do, if an enemy should jump hastily on shoar, and endeavour to force the trenches, and in such case the negroes' lances would be much more serviceable than clubb musquett. From the trenches I march them to some open Bay, and draw them up either 3, 4 or 6 deep as the ground admits, and show them how to oppose an enemy in landing, by ordering the front rank to make ready. At the same word of command, the negroes from their shoulder recover their lances right before them, and when the word of command to present is given, the negroes fall back with their right leggs and charge with their lances, and stand so till the musqueteers are ordered to fire, when done, they recover their spears at the same time the soldiers doe their firelocks, and wheel off wth. them, with their spears advanced, and then the next rank advances, and does the same *etc. etc.* Mr. Larkin might have saved the trouble of that part of your Lordships' annotations relating to the danger of disciplining the slaves, for if he had told me his notion of it, I should have satisfied him, that it was always the custom upon an alarm, for the negroes to come wth. their masters into the field with lances. But I cannot learn they were ever exercised and shew'd how useful they might be made, nor indeed their masters till of late, but before I undertook the slaves, I had the opinion of the Council, J.P.s and Militia Officers that disciplining them could be no manner of prejudice to the inhabitants. I am forming a troop under the denomination of Horse Granadeers, which will be of extraordinary use, this country being but a slip of land about 26 miles long, and in the broadest place not above two miles, so that in case an alarm should happen at either end, it would be a day's time before all the Militia could get together, and consequently we should lose the opertunity of opposing an enemy at their landing, wch. is our chief dependance, having trenches in every part of the country, where it's possible men can come on shoar att, and I propose by this troop in all probability to be early enough wth. an enemy, let them attempt us where they will (unless they come undiscry'd in the night, wch. is very dangerous for them to doe), for I intend to appoint the troopers one certain place of parade, abt. the center of the country, with orders that when they hear the allarm made (wch. will be in a quarter of an hour all over the country) immediately to repair to their parade, and from thence to march towards the enemy, who perhaps may make several offers to land before they intend on purpose to fatigue our foot, wch. by this troop may be preserved, for we can attend their boats, and the foot may only move easily as they see, or hear of the enemy's motion. I intend this troop shall consist of one Capt. under me etc. and 80 private men (50 of which have already entered), their exercise to be as the Granadeers, and armed accordingly. Your Lordships will see by the enclosed Declaration (lxvi.) that I promise to furnish them with arms out of H.M. Stores, because the arms in this country are generally between 5 or 6 foot long, and could not well be slung to be easie on horseback, nor affoot when they come to deliver their granade-shells, but as they are only lent, I'le take care when a man dyes or goes to sea to call them in.

Mr. Larkin adds bribery to his foregoing accusations of perjury and breach of Instructions, with regard to the loading of vessels *etc.* I protest that I never took the least peice of money since I came here from any one on any acct. whatsoever (except the present the Assembly made me), unless Mr. Larkin calls a few oranges or limes a bribe, wch. sometimes Masters of vessels bring me. This part of his letter forces me upon mentioning Col. Day's name, wch. I would willingly have avoided on this occasion as he is dead, but since it is for my own justification, and to prove Mr. Larkin a confederate with the party, I hope I shall not be thought ungenerous. Col. Day must shew Mr. Larkin this Instruction (for I presume he has not all Governours' with him) and since I am satisfied that his letter is altogether the dictates of Col. Day, Judge Nelson and the rest, who have been constant disturbers of me and the Government, I think it will not reflect upon me to say those facts that are laid to my charge are what (as I have often heard) my predecessor was guilty of. Since my time, no vessel was admitted to enter before they came to an anchor in one of these harbours. I hope Mr. Larkin will be obliged to prove this charge. If brandy and French wine had been plenty here, I should not have wrote to England for them, wch. Mr. Noden of Woodstreet can testifie. To prevent any such practice as is mentioned, the letter your Lordships speak off from the Commissioners of Customs has been strictly complied with. I never heard of that way of taking out cockets that he mentions, and upon receipt of your letter I sent to the Collector when I was in Council and ordered this paragraph to be read, upon which he affirmed he never knew the like, and offered to make oath of it, but all diligent care shall be taken to detect if there be such practices.

Precepts were made verbatim as formerly, as may appear by copies herewith transmitted, but Mr. Larkin says with his accustomed assurance as positive to the contrary, as if he had seen those formerly, and that in my time. As for the Assembly's sitting Aug. 19, it's a great mistake in Mr. Larkin, as your Lordships may see by a certificate herewith sent. There is a Quarterly Sessions held here, and but one Court of Assize in a year, it is intended to be twice, which with submission I think is enough, for this is a very poor place, therefore not litigious ; besides to have it oftener, would create a great expense to the country, by attendance on the Chief Justice, and I presume that was Mr. Larkin's meaning by proposing it 4 times a year, for he does not seem inclin'd to the country by the scandalous character he gives to the people and their lazy inclinations. I have discoursed with the Council relating to the Act of Assembly he proposes, and about tobacco being carried aboard by negroes in the night, and they all agree that there is but very little tobacco planted more than is smoked in the country, and as for any being carryed privately, they believed there was none. But perhaps every sailor when he goes to sea takes some for his own smoking, which the Collector is not acquainted with. But if it was worth while to make such an Act as Mr. Larkin means (not what he writes, for he would have the Planters at crop time give an account upon oath the quantity of tobacco so planted, so reaped would be more proper) it would be very hard that a Planter should be allowed but a quarter of a Hundred Custom free, and some familys smoke 200 cwts., as the Council tells me, and they add by computation that the quantity of tobacco that is yearly smoked in this country is about 50,000 weight. But I presume that Act was projected by the discontented party, and Mr. Larkin, to help it on and to revenge his clyents' quarrells with the country by oppression, says positively there are several thousand weight carried off in a year, and that but a small quantity comes to the Collector's knowledge, and proposes the way how it is done, but I am wholly a stranger to it, and all the care imaginable is taken to prevent it.

There has been no occasion for a Court of Admiralty since my arrival but of late, therefore those officers have not been appointed, neither upon enquiry was there ever a jury allowed in that Court. But after his letter was formed, and their affairs put into a posture for mischief and disturbance. Mr. Larkin then could find time to settle the Court of Admiralty, and then a Registrar and Marshall were appointed of course. But he had been here two months before he would do anything in it, and when I prest him therein, he then pretended in Council that he was in great haste to be gone, and he could not proceed till the Queen was proclaimed, which with submission I think was not material to his prescribing of rules how a Court should be kept, therefore conclude it only a delay. Mr. Larkin reproaches all juries in this country. He has not seen one cause try'd by a Jury since he came. I think this is highly imposing on your Lordships, and cruel to the reputation of a country. The fee he mentions that I claim for holding every Court, I suppose he means the Court of Admiralty, that is with the rest of the officers' fees settled by Act of Assembly, therefore no imposition on the people. As for the logwood vessel, I refer the truth of that matter to the Captain's affidavit, which will plainly demonstrate that notorious false complaint. *Signed*, Ben. Bennett. *Endorsed*, Recd. Oct. 11, Read Nov. 15, 1703. 3½ *pp.*

1014. lxviii. Copy of proceedings against Daniel Smith at New Providence and at Bermuda for piracy. Sept. 26, 1700. etc. *Endorsed*, Recd. Oct. 11, 1703. 6½ *pp.*

1014. lxix. President of Council of Barbados to Lt. Gov. Bennett. *Acknowledges* letter of Oct. 24, with depositions relating to two French ships that struck on the coast of Bermuda. I have transmitted the same to my Lord Nottingham. Here hath also arrived the sloop that you sent to Martineque with those French that were cast on shore on your coast, and hath brought us upp from thence five and fifty prisoners in exchange for those you sent them, which proving a piece of good service both to H.M. and this Island, wee are att least in gratitude oblidged to owne the same. But I am in hopes when our Assembly sitts next, they will make some further and more serviceable acknowledgments to the owner of the vessell who brought them upp hither *etc.* *Signed*, John Farmer. *Endorsed as preceding.* 1 *p.* [*C.O.* 37, 5. *Nos.* 1, 1.i.–lxix; *and* (*without enclosures*) 38, 5. *pp.* 434–449.]

Aug. 9.
Bermuda.

1015. Lt. Governor Bennett to [? the *Earl of Nottingham*]. Refers to previous correspondence and repeats part of proceeding. Adds:—"On July 21 came into this port the *Fame*, Capt. Hen. Pullein, who off of Teneriffe took a prize loaden with corne; his comissions was to cruse in the South Seas, which undoubtedly he had proceeded to doe, had not information been given him of a conspiracy amongst his men to mutiny and seize him, and

1703.

murder others, that were his officers, and run away with the ship, which he by his good management prevented by sending the promoters of this mischief on some pretence on board the prize, and then with his officers and those of the sailers that he could confide in, seized the rest and put them in irons, and when the boat return'd, he did the like to those he had before sent away. I have examin'd several of his men, and it plainly appeared there was such a design of running away with the ship, and within a few hours of being put in execution. I believe the Captain's intention now is to enter soe many of his men upon wages as are sufficient for a tradeing voyage, and to proceed to Antegua and take in sugar upon freight, and so for England. He is a very pretty gentleman but very much dejected, least his reputation should suffer by the fault of being imputed to his mismanagement that the voyage was not perform'd. But for what I can perceive he is not in the least to blame, and the owners ought to thank him for his care in preserving the ship, for such a crew of rogues I believe were never together in one bottome. *Signed*, Ben. Bennett. *Endorsed*, R. Oct. 20, 1703. *Holograph.* 8 *pp.* [*C.O.* 37, 26. *No.* 3.]

Aug. 9. **1016.** Minutes of Council of Bermuda. The muster-rolls of Capt. Sandys' Company, Aug. 25—Oct. 24, 1701, were signed.

Upon a motion of H.E. whether it is adviseable to send the Spaniard now in custody on a charge of pyracy to England, the evidences who were bound to prosecute him having withdrawn themselves by making an escape from these Islands, advised, that he be tried here.

A Committee of the Assembly appeared to inspect the accounts of John Davis, Treasurer.

Petition of Samuel Sherlock about the storehouses referred. [*C.O.* 40, 2. *pp.* 55, 56.]

Aug. 9. **1017.** Journal of Assembly of Jamaica. The House met and adjourned.

Aug. 10. Ordered that the messenger confine the gentlemen to their chambers who are in his custody. [*C.O.* 140, 7. *p.* 90.]

Aug. 10. **1018.** Robert Livingstone, Secretary for the Indian Affairs in New York, to the Council of Trade and Plantations. In obedience to your Lordships' commands he hath collected and presents to your Lordships the state of affaires in New Yorke, in relation to the five Nations and other Indians in that neighbourhood, which he is glad to find your Lordships desirous to have an account of, because those Indians have for two years last past been very pressing upon him to come over and give your Lordships an account of their condition, as by their publick propositions Anno 1701 and 1702 appears. The advantages which hath attended H.M. Plantations on the North Continent of America by the steadyness and firmnesse of the Five Nations of Indians and the River Indians unto the Government of New Yorke, are so obvious that they need not be enumerated; they having fought our battles for us and been a constant barrier of defence between H.M. Plantations of Virginia and Maryland and the French, and by their constant vigilance, prevented the French from making any descent that way; but the late long war and the great loss which they sustained in their youth hath almost dispirited them, and during the peace the French, who are sensible of the mischeifs they suffered from those Indians, have applyed the cheifest artifices they could invent, either to gain them to their side, or so to terrify them that they might be in continual fear of the French power. The French Priests, by their insinuations and false pretences, have decoy'd over to them a great many of our Indians, and have raised a great faction in their Castles; and its fear'd a great many more will follow, unlesse they have ministers to instruct them in the Christian Faith, of which they seem very fond. The nations of the Sinnekes and Onnondages have also received such impressions of the Christian Religion, that if ministers were planted amongst them, to convert them to the Christian Faith, it would be of great advantage to H.M. Plantations, not only in securing these Indians' friendship, but also in being a cheque and discouragement to the French emissaries, who frequently visit those nations and lived there all last winter endeavouring to corrupt their affections from the English, and make ill impressions in their mind, to the apparent prejudice of our Trade, which decays dayly more and more. The mischeifs are increas'd by the French having resettled Cadarachqui, where they entice our Indians comeing from hunting and get from them what they take; so that our Indian trade is not a fifth part so much as it was formerly. My Lord Cornbury, our present Governour, since his arrival, by his prudence and conduct, has much contributed to the steadying and securing of the Indians of the five nations, as well as quelling the heats and animosities he found in that poor distracted Province among the inhabitants. My humble opinion, if I may presume to offer it, is that the only way to secure the northern part of America and the Fishery there would be the takeing of Canada which might be done with less charge to the Crown than has been lately expended at one French island. Some few frigates with a bomb catch from hence and a regiment of disciplin'd men, with some good officers to head the men that might be got there, would doe the business. A party detach'd from the several Colonies, with our Indians to goe by land from Albany in canoes and to meet the navall force would facilitate the matter; and it would be worth while to keep it too: for the French will otherwise in time grow so formidable, by settling behind all the English Plantations and keeping a constant communication and correspondence with Mississeppie, that they will by the Forts and Settlements they erect in the heart of the country, be enabled to infest our Plantations by dayly incursions upon them who lye scattered to and fro without any force to cover them. The neighbouring Governours may be directed to meet at New Yorke to consult this matter. But if the takeing of Canada cannot be effected next summer, then it will be highly requisite that the

1703.

frontiers at Albany be better secured, and that the Fort which my Lord Cornbury has begun be not only compleated with all speed, but that there be a stone Fort built at Shinnechtady also, and stockadoe Forts at Nastagione, Half Moon, Sarachtoge, Skachkook and Kinderhoek, and garrison'd with souldiers, and a troop of dragoons and a company of bushlopers or woodrunners to be rais'd of the youth at Albany in the summer time to goe the rounds dayly from garrison to garrison, which with skouts kept continually out to range the woods from the several smaller garrisons will be a mean to secure our frontiers that way. Moreover, if these out-garrisons be not secured, the inhabitants will desert and leave all the Settlements above the Citty of Albany wast; which will be prejudicial to H.M. interest and incouragement to the enemy; it having been found by experience last war that whilst these out-places were garrison'd the Country was secure, but no sooner were they deserted but the enemy gain'd ground and scalped our people near to the very gates of the Citty. This cannot be well effected without 600 men; for the four Companies that consist of 400 men there, are much lessen'd by death and desertion, altho' all care imaginable has been taken by my Lord Cornbury to prevent it; and their pay which is all money now (and a much better way than provisions) has not been punctually complyed withall at Albany, there being some times twelve or thirteen weeks subsistence in arrears (without quarters) by reason the merchant that was to furnish the money was not able to do it punctually. This contributed to their desertion. And if my Lord Cornbury's bills should not be duly honoured it will be of worse consequence, and I doubt not but your Lordships will prevent such an accident, which might prove so fatal as to breake all the Companies, and endanger the security of that Province, which is so much impoverished by the late divisions and distractions and its revenue so much anticipated by the late administration that seven years accrueing revenue will not pay the debts the Province ows now, so that it cannot be expected they can raise men to secure the fronteers. True it is we have had no mischieff done by the French or their Indians since the war was proclaimed, but it is every day expected, and the only way to be safe is to be upon our guard and well provided, and that will give heart to our Indians to stick close to us, when they see we are able not only to defend ourselves but to protect them. And for the incouragement of those Fuzileers that are there, or will be sent over from hence to reinforce the garrison, I humbly conceive the men ought to be kept no longer souldiers then four years, and then every year a hundred recruits sent over and a hundred discharg'd, which would people and settle the countrey, and those men take to the employment of making pitch and tar and other naval stores, or manure land as they see convenient, which would contribute much to the strengthening the frontiers. It will be requisite that a present or bounty be sent, such as your Lordships shall see meet, to be given to those Indians of the five Nations and River Indians, but not in such quantities to all the nations in general, as has been practised formerly, whereby those of the French faction participated of H.M. bounty as well as those that are true to the English; but the present to be made to such only as are known to be wholly devoted to the interest of the Crown of England, and that some Christians be appointed to be constantly with the Indians in their castles to prevent the French intrigues. These, my Lords, are my sentiments from the observation I have made by my conversing and living amongst these Indians; and if they are agreeable to your Lordships' opinion I humbly pray that your Lordships will intercede with H.M. to order some speedy and effectual care to be taken that the said Province and the Indians may be secured, and the French prevented from making any Setlements in those parts. *Signed*, Robt. Livingston. *Endorsed*, Recd. Read Aug. 10, 1703. 6½ *pp.* [*C.O.* 5, 1048. *No.* 65; *and* 5, 1120. *pp.* 17–25.]

Aug. 10. Whitehall. **1019.** Council of Trade and Plantations to Governor Nicholson. The bearer hereof, Mr. Stephens Thomson, being constituted H.M. Attorney General of Virginia, we recommend him to you for your protection and incouragement in the execution of his office. *Signed*, Rob. Cecill, Wm. Blathwayt, John Pollexfen, Matt. Prior. [*C.O.* 5, 1360. *p.* 409.]

Aug. 10. **1020.** Reply of Sir Mathew Dudley and others to the Report of H.R.H. the Lord High Admiral. [*Quoted. See* July 30.] (i) Untill wee shall be incorporated and know how much of our subscription mony will be called for in and paid, and untill wee shall have made some progress in our undertaking, wee can not possibly ascertain how much, or whether anything will be laid out in the purchace of lands. (ii) We do not apprehend the masts lately had from New England grew near the sea, but many miles distant up in ye country, and that all masts of 24 inches diameter and upwards are reserved to the Crown by their late Majesties' Charter to the Massachusets Bay. However to prevent the inconveniency suggested, wee are willing to submit to such clause of reservation, onely pray that instead of masts of 16 inches diameter, it may be inserted masts of 24 inches diameter, under which dimensions no persons are restrayn'd from cutting masts, but all persons may cutt ye same without license; and wee are farther willing to be restrained from cutting masts and bowsprights of the aforementioned dimensions in ye Province of N. Hampshire without licence. (iii) The trade to New England which is now in the hands but of a few and private persons who vend their goods there at an excessive rate will be dispersed into the hands of many, and those very persons themselves may, if they please, be concerned with us: the books being to ly open for all that are minded to subscribe. (iv) We submit to a reservation of all royal mines to the Crown, and that none shall be of the Company but H.M. subjects, which we humbly conceive does fully answer the intent of this Article. (v) We are willing to submit to a clause obliging the Company (when required to contract with the Commissioners of the Navy) to import from

1703.

New England and Plantations adjacent for ye use of H.M. Navy, masts and bowsprits of the largest dimensions at such rates and prices and upon the like terms the same have for 7 years last past been usually imported from thence by Mr. Tayler and Mr. Wallis or others for the use of H.M. Navy, or upon such other terms as the Commissioners of H.M. Navy and the Company can agree. (vi) We submit to a clause that H.M. shall have the preemption of all sorts of naval stores to be produced by the Company, and that the Company will contract with the Commissioners of the Navy to supply H.M. therewith at the then market price or at the prices naval stores imported from the East Countries are now solde for, and that the same shall be as good and fit for H.M. service as those imported from the East Countrys. *Signed*, Wm. Wharton, Agent. *Endorsed*, Recd. Read Aug. 10, 1703. 2 *pp.* [*C.O.* 5, 863. *No.* 48; *and* 5, 911. *pp.* 117–120.]

Aug. 10. **1021.** Reasons offerred by Sir Mathew Dudley and other subscribers against the clause to restrein the transferring of stock within five years. The clause is without precedent and inconsistent with the common rules of trade. The undertakers, being mostly traders, will be frequently exposed to great losses, and consequently sometimes under a necessity to dispose of their stock in this Company. It's very improbable persons will adventure their estates in any undertaking where they cannot have the free command of what they are to adventure. The liberty given to executors *etc.* is granted them to pay the debts of the testator: the subscribers therefore conceive that a man himself should have the same liberty as his executors. The liberty to sell to one of the Company within five years, does not relieve them whose necessities require them to sell, or give better encouragement to the undertaking, for the subscribers may well be supposed to have subscribed already so much as they are willing to part with the command of, and, in fact, the clause has already caused several persons of reputation and estate to cry off the whole affair. It will be impossible to complete the subscriptions necessary, if the clause be insisted on. *Signed*, Wm. Wharton. *Endorsed*, Recd. Read Aug. 10, 1703. $1\frac{1}{4}$ *pp.* [*C.O.* 5, 863. *No.* 49; *and* 5, 911. *pp.* 121–124.]

Aug. 10. Whitehall. **1022.** Journal of Council of Trade and Plantations. Mr. Bennet, the Counsellor, laid before the Board several papers received from his brother, with an abstract of the same.

Mr. Thomson waiting upon their Lordships, they were pleased to sign and deliver to him a letter to Col. Nicholson recommending him to his protection in the discharge of his duty.

Mr. Livingston presented a memorial relating to New York, which was read.

Mr. Wharton and Mr. Bridger presented an answer to H.R.H. late report concerning Naval Stores *etc.*, and reasons against the proposed clause *etc.*, which were read, and their Lordships agreed

1703.

to take the same into further consideration. [*C.O.* 391, 16. *pp.* 199–201; *and* 391, 97. *pp.* 561, 562.]

Aug. 10. **1023.** Minutes of Council of Jamaica. Ordered, that the Receiver General remit a Bill for 150*l.* sterling to be paid to the Hon. William Blathwaite, H.M. Auditor General of this Island, for a year's salary.

20*l.* paid to Peter Heywood for a year's rent of a storehouse for ammunition, and wages.

15*l.* paid to Comadore Andrew Douglas, the sum expended by him for the hire of a sloop sent to the *Experiment* at Blewfeilds with orders to take up Capt. Healis' ship and people run away with him from this Island.

H.M. Letter addressed to Richard Brewer, Lt. Governor of Jamaica, July 16, 1702, referring to Letters Pattent granted to Edward Hyde as Provost Marshall, and giving him leave to remain in England and appoint a Deputy, read and entered. Some of the Council enquiring whether any such Pattent hath been exhibited to the Governor, H.E. laid before them the following Deposition:—John James, purser of the *Speedwell*, merchant ship, with Queen's provisions from England, and also Executor to Capt. Arthur Smith, deposed Aug. 3, 1703, that on Aug. 2, between 6 and 7 p.m., Hugh Totterdell came on board and desired Capt. John Bevis, Commander of the said ship, to show him what writeings were in the chest of which Mr. Totterdell had the key, wherein were found the Queen's Pattent for Provost Marshall to Edward Hyde etc. and Mr. Hyde's Deputation to Mr. Buck was mentioned in the inventory *etc.*

Committee appointed to take returns of the Musters of H.M. soldiers. [*C.O.* 140, 6. *pp.* 167–170.]

Aug. 11. **1024.** Journal of Assembly of Jamaica. The Messenger reported that he had shown the Gentlemen in his custody the order of Aug. 11, and they said they would go to their chambers by and by. The House being informed by several of the members that Mr. Ayscough had said his Chamber was at several places and everywhere, in a slighting and disrespectful manner, and continued to go abroad notwithstanding the order. Resolved, that he be confined at the Messenger's house presently. The Messenger inform'd the House that he shewed Mr. Ayscough the order and he refused to submitt to it, saying he would not go with him without he carryed him on his back. The Messenger pursuant to order went to him a second time, and returning acquainted the Speaker that Mr. Ayscough again refused, saying his case was the same with the rest of the Gentlemen, and he would suffer the same as they did, and laying his hand on his sword, bid the Messenger stand off at his perill, for he would not be taken. The Messenger having been with Mr. Ayscough the third time, reported there was Dr. John Blair and Mr. Archbold with him, and Dr. Blair said that all the Marshalls in the Island should not carry him away, and thereupon Capt. Archbold said, bid the Speaker come for him himself.

1703.
Aug. 12. Resolved, that Dr. Blair be confined to the Messenger's house. The Messenger reported that Dr. Blair said he had a house and a chamber as well as any man in the House, and would not obey the order, and bid him be sure to stand of and not come near him.

Resolved, that Capt. Archbold be confined to the Messenger's house.

Aug. 13. The Messenger reported that Capt. Archbold refused to obey, saying he would not be taken by anybody, nor confined to any place whatsoever.

The House being informed that Aldworth Elbridge, contrary to the order of the House, walkt publicly abroad, ordered that he be confined to the Messenger's house. The Messenger reported that Mr. Elbridge had replied "Give my service to the House, and tell 'em as soon as I have dined I'le go to my chamber," and the Messenger replied, "Your chamber is my house."

For the same reason, Henry Brabant, Dr. John Bonner and Capt. Charles Long were ordered to be confined to the Messenger's house. Mr. Brabant first sent a letter to the House and then said he would go to his own chamber immediately, Dr. Bonner said he would go to his own chamber as soon as he had dined, and Capt. Long said he walkt abroad for his health and would not be confined. John Peeke having absented himself from the custody of the Messenger, Ordered that the Messenger have him in custody at his house in town Tuesday morning next.

Aug. 14. The House met and adjourned till Monday, 16th. [*C.O.* 140, 7. *pp.* 91–93.]

Aug. 11. Council Chamber, Boston. **1025.** Minutes of Council of the Massachusetts Bay. H.E. communicated to the Council several letters from Whitehall, lately received by way of Virginia, viz. two from Lord Nottingham, Feb. 25 and March 20, one from the Council of Trade and Plantations, April 20; one from William Blathwayt, April 8, by command of the Lord High Treasurer, to demand payment of the arrears of 7 beaver skins, payable yearly, for the lands of Mounthope Neck, and a Representation made by the Council of Trade and Plantations to H.M. upon the fortifications within this Province.

H.E. communicated to the Council a letter expressed to him from Blackpoint, intimating that Mr. John Croad, on the fifth currant, being at Wineganse, about 20 mile from Casco Fort, was informed by Moxis the Sagamore, and Bomazeen, that Sir Obin, a Frenchman, with two Friers and several Indians from Pigwocket and Pennicooke were there, and expected a party of Indians from Cannada to joyne them, and that they advised him to haste away for his own safety.

A representation from Mr. David Jenner and Capt. Ballantine on behalf of themselves and several of the neighbourhood, relating to the drawbridge in Boston, was presented. Ordered that there be a hearing of that matter the next Council day, and that the Select men of Boston be notified thereof and then to attend.

Licence granted to Benjamin Gallop to erect a timber building for a kitchen in addition to the north-west side of his house at

1703.

the North end of Boston situate between the houses of Joseph Gallop and Benjamin Bream.

Advised, that the garrison at Saco and Casco be not at present reformed by drawing off any men from thence.

An express from Wells brought intelligence that yesterday an attack was made by the French and Indians upon the out parts of that town, and that several familys were cut off, but intimated neither the number of the enemy, nor the particulars of the mischief done there.

H.E. directed the Lieut. Governor forthwith to repair to Piscataqua, and with the advice of the Gentlemen of the Government there, to take care for the improvement of the forces posted at Wells and Newichewannock etc. as occasion shall offer, for the defence of H.M. subjects, and repelling of the enemy. 10*l*. advanced to him for the support of himself and guard on the journey to Piscataqua.

Aug. 12. H.E. communicated to the Council the further intelligence expressed to him of the insults made by the Indians at Spurwinke and Winter Harbour on the same day with that done at Wells, and intimated that he had ordered the levying of 150 soldiers out of the several regiments of militia in the countys of Suffolk, Plymouth, Barnstable and Bristol. He also communicated his letter written to the Governor and Council of the Colony of Rhode Island, for the assistance of a foot company of 50 men upon this occasion.

42*l*. paid to John Gyles of the garrison of H.M. Fort at Casco Bay for piloting some Indians westward and as Interpreter.

Aug. 13. H.E. communicated to the Council the intelligence from Wells expressed to him the last night of the impressions made upon that place by the French and Indians, and also on the parts further east, and the report of fireings at Casco Bay. Whereupon H.E. dispatcht Orders to Col. Peirce to order Capt. Somersby with one half of his troop with long arms, and Capt. Wadleigh with one half of his company of dragoons, forthwith to march to Wells for their relief, and to cause them to be immediately followed with a foot company of 100 men, under proper officers, to be drawn out of his regiment; and also dispatched away the *Province* galley to visit and releive Casco Bay, and the other fortifications eastward.

200*l*. paid to Thomas Brattle for the fortifications on Castle Island.

5*l*. paid to Col. Charles Hobby for the expense of himself and guard attending him in a journey for H.M. especial service to visit the frontiers within the County of Middlesex with H.E.'s Instructions for putting them into a position of defence against the enemy. [*C.O.* 5. 789. *pp.* 526–529.]

Aug. 12. Chiswick. **1026.** Sir Stephen Fox to Mr. Popple. Desiring him to lay before the Council of Trade and Plantations his recommendation of Capt. Tho. Morris to be a Member of the Council of Antegoa. *Signed*, Ste. Fox. *Endorsed*, Recd. Read Aug. 13, 1703. *Addressed*. *Sealed*. 1 *p*. *Enclosed*,

1703.

1026. i. Capt. Thomas Morris' Petition for a Commission to be one of H.M. Council at Antegoa. In the first year of King William III, Tho. Morris of Antegoa went Lieut. to Capt. Robt. Cardine to take Marigallant, one of the French Islands; he then went a volunteer under his (*late*) Excellency, Christopher Codrington, to take St. Christophers *etc.*, and then he went Lieut. to a privateer and cruised 4 months. After that, Commodore Willmot went with a fleet to Pettiguaves; he was then a volunteer on board H.M.S. *Terrible*, and was at Transwal, where he landed with the marriners, and was shot thro' the thigh and taken prisoner till exchanged. Then he bought a vessel and the Governor of Jamiaca, Sir Wm. Beeston, gave him a Commission to go with a truce to Pettiguaves, from thence he went to Antegua and that Government sent him with a truce to Martineco, where he was detained till he had paid 400*l.* because the English prisoners went away with a French ship. All these services he performed at his own charges. 1 *p.* [*C.O.* 152, 5. *Nos.* 34. 34.i.]

Aug. 12. Hampton Court. **1027.** Order of Queen in Council. Repealing the Act of Nevis for the better securing land *etc.* in pursuance of Representation of Aug. 6. *q.v.* *Signed*, John Povey. *Endorsed*, Recd. Aug. 25, Read Sept. 9, 1703. 1½ *pp.* [*C.O.* 152, 5. *No.* 35; *and* 153, 8. *pp.* 207, 208.]

Aug. 12. Hampton Court. **1028.** Order of Queen in Council. Further ordering, in pursuance of preceding, that the Council of Trade and Plantations do signifie to the Governors of the Leeward Islands the reason of H.M. having disallowed the said Act. *Signed*, John Povey. *Endorsed*, Recd. Aug. 25, Read Sept. 9, 1703. ¾ *p.* [*C.O.* 152, 5. *No.* 36; *and* 153, 8. *p.* 209.]

Aug. 13. Whitehall. **1029.** Journal of Council of Trade and Plantations. Letter from Lord Nottingham enclosing four letters from Col. Dudley and one from the Government of Rhode Island, to himself, together with several papers therein referred to, being all of them either duplicates or in substance the same as what have already been recd. here from those parts, were laid before the Board.

Mr. Attorney General's Report upon two Acts of New Hampshire read, and directions given for preparing a report that the said Acts may be repealed.

Letter from Sir Stephen Fox recommending Capt. Tho. Morris to be of H.M. Council of Antego read; ordered that his name be entered in the list of persons recommended for that service, that the same may be considered of in a proper occasion. [*C.O.* 391, 16. *pp.* 201, 202; *and* 391, 97. *pp.* 565, 566.]

Aug. 13. **1030.** Minutes of Council of Barbados. Ordered that writs issue for choosing an Assembly, returnable on Aug. 31; the writs to be executed by the Rector of each parish, where any Member of Council happens to be sick.

1703.

Proclamation ordered for the securing of boats and better prevention of any persons running away with them in the night, pursuant to an Act of this Island.

Proclamation ordered commanding all persons that shall arrive here forthwith to repair to some J.P. before they be received in any house, and that no person receive them until they produce a certificate thereof. [*C.O.* 31, 8. *pp.* 60–62.]

Aug. 13.
Annapolis.

1031. Minutes of Council of Maryland. Letter from the Council of Trade and Plantations, April 20, read. The Board reply (1) that they have not heard any complaints of the delay of justice or partial proceedings in any of the Courts of this Province, but on the contrary are assured that all causes in the Provincial Court, especially and generally in the County Courts, are duly dispatched to the satisfaction of the inhabitants and others traders in this Province. However, this Board think fit [? *order*] the Justices of the Provincial and County Courts that they take especiall care impartially to administer Justice in their several Courts and that no causes be continued longer than the due course of practice admits, unless where very good and sufficient reasons are given therefore. (2) They conceive that the Act for recovery of small debts answers their Lordships' recommendation on that point. (3) Ordered that H.M. Secretary [? *send*] to their Lordships accordingly such abstract of the proceedings of the several Courts, and that the Commissary General and Clerk of the Council do the like in respect of their offices.

Letter from Lord Nottingham, March 20, read. The Board reply that they have no reason to believe any trade or correspondence with the French settlements practicable by any inhabitants or traders in this Province, against which Proclamation has already been issued, and all possible care will be used to prevent it.

In reply to Lord Nottingham's letter prohibiting any arms to be supplied to the French or Spaniards, the Board say that they are sencible they can have no such supply from this Province.

Letter from H.M. Commissioners of Customs read, desiring due care that no bulk tobacco be shipped out of this Province unless in chests and casques pursuant to the Act of Parliament made therefore. Ordered that the officers of Customs used their utmost circumspection accordingly.

Letter from Governor Blakiston to the President and Council, Feb. 10, 1702, read. As to that part relating to Joseph Holt, Rector of William and Mary parish, his ill behaviour to the great scandal of his function, Ordered that he be suspended until H.E. Col. John Seymour's arrival, and that he make application to H.E. to be restored as he shall think fit.

This Board taking especial notice of the great character Governor Blakiston gives of Col. Seymour, whom H.M. has been pleased to appoint Governor, very much rejoyces in the great expectation this Province may have under the Government of so worthy and noble a gentleman. That part of Col. Blakiston's letter desiring

1703.

the General Assembly should meet between Oct. 25 and 28 next, being taken into consideration, resolved that that time also will be very convenient for assessing and defraying the public charge of the Province, and that due notice be given to the several Members of the Council and House of Delegates to convene themselves at the town and port of Annapolis Oct. 26.

This Board having [*sic*] a grateful sense of Governor Blakiston's careful and diligent endeavours to serve this Province in the affair of our land law. As to what he has been pleased to communicate to the Board concerning the Revenue allotted to H.M. Governor here, the said honble. President does acknowledge that he was misinformed by Mr. Randolph and others, but that he is well satisfyed with the moyety as it was settled here by H.E., and will write to him.

The President will give notice that the several Collectors and Naval Officers clear all such ships as can be got ready to join the present convoy at Kiquotan, but none after the departure of that convoy without further orders.

Upon application of Sir Thomas Bart., that whereas Mr. Jacob Lookerman junr's. Sheriff's bond for Dorchester Co. had been ordered to William Bladen *etc.*, who had prosecuted it to judgment, he also having a clayme against the said Sheriff, prayed leave that he might apply to the Provincial Court upon that bond and judgment, which is granted. [*C.O.* 5, 745. *pp.* 34–37.]

Aug. 14. **1032.** Deputation from Governor Codrington to Lt. Col. William Thomas to be the especial Commissioner, intended by an Act past at St. Johns, Aug. 14, 1703, to represent the state of the Leeward Islands. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read Nov. 16, 1703. 1 *p.* [*C.O.* 152, 5. *No.* 37.]

Aug. 14. Pensilvania. **1033.** Col. Quary to the Council of Trade and Plantations. Since my last, Lord Cornbury's Commission for the Government of the Jerseys is arrived, which he published att Amboy the 11th inst., and on the 14th it was published att Burlington, were he was mett with neere 400 horse, each party striving to outvie each other in their respects to my Lord. The Council sate about six days, in which time H.E. settled all the Courts of Judicature, the Sherreifs of each County, all the Justices and other inferior officers. All which his Lordship hath done to the generall satisfaction of all partys, by mixing them so equally that he left no roome for murmure. H.E. hath allso issued out writts for the electing a new Assembly, who are to sett the beginning of November next. This affair is attended with great difficulty both in respect of the qualifications of the persons to be elected and those that are to elect, as allso the manner of the election. H.M. Instruction requires that every person chosen a member of the Assembly must be possest of 1,000 acres of land in his own right, and that no person shall have a vote that hath not 100 acres of land. This Instruction was contrived by the Scotch of East Jersey for att least three yeares past, since which time they have been buying up land to quallify themselves and to exclude all others from having a share in the Government for want of such a quantity of land. This project wanted not for encouragement from the Proprietors, since it was so much for their interest to sell their land and make it valluable. I can assure your Lordships that in some Countys there is scarce a man that hath 1,000 acres of land, people formerly not coveting great tracts of land, but had respect to neighbourhood, the settlement of the country and their security, so that very few exceeded from 300 acres to 800 acres, and yett these men's improvements and stock may be ten times more valuable then those that have great tracts of land, and far better qualified in all respects, and yett they are rendred incapable by this Instruction to serve H.M. or the countrey, which makes them very uneasy; they call it a Scotch trick which they hope your Lordships will please to remedy. The next difficulty is in the manner of choosing. The Instruction appoints that 10 Assembly men be chosen out of each devision, without any respect to the Countys. H.E. hath appointed the center of each division to be the place of election, wch. is the most equitable way that coulde be thought on, and yett many men must goe neere 80 miles to the center and be forced to lay in the woods when they come for want of accommodation, which will discourage most people from going, and in case a poll be demanded, there will be an absolute necessity of adjourning from county to county through the whole division, which will make it very burthensome and uneasey, whereas if each division were divided into five countys (wch. may be done with ease), and each county to choose two Assembly men, it would be a very great ease and satisfaction to ye countrey. My Lord hath also settled the Militia throughout the whole Province in verry good handes, so that I hope in a little time to see a good boddy of men well regulated, which is a happyness that this countrey never yett sawe, and whereas your Lordships have been informed that there are not men enough in the province besides Quakers to support the Government and supply the several offices, H.E. will assure your Lordships the contrary, nothing could have been carried on with more smoothness and indifferency to both partys then my Lord hath done, by which he will have the advantage of treying both partys, and so will quickly see wch. party will best answer the ends of Government by settling a revenue to support it, and other necessary matters, which of them doth most efectually answer this ought to be encouraged without respect either to religion or other circumstances, wch. is the rule I am very well assured H.E. will govern himself by. My Lord hath obliged me to attende him att the sitting of the Assembly, which I resolve God willing to do, and in order to it am hastening to Maryland and Virginia to pursue the honble. the Comissioners of the Customs Instructions about regulating the abuses in the Act to prevente the importation of bulke tobacco. H.E. Governor Nicholson presses my hastening to Virginia, in order to H.M. services, from whence your Lordships shall receive the state of those Provinces by the fleete that are to sayle from thence the latter end of next month. I am obliged to minde your Lordships that what I have proposed in my last is matter of great moment, especially what relates to the security of the American trade and distressing the French for provisions, also what concerns the security of the Leeward Islands, and the open Trade of the Dutch from Curesaw with the Spanyard, which is now greater then in time of peace. It gives great dissatisfaction to H.M. subjects to have their handes ty'd up, and the Dutch engrose all the Trade. *Signed*, Robt. Quary. *Endorsed*. Recd. Dec. 9, 1703. Read Feb. 16, 170$\frac{3}{4}$. *Addressed*. *Copy*. 2$\frac{1}{4}$ *pp*. *Annexed*,

1033. i. Abstract of preceding. 1$\frac{1}{4}$ *pp*. [*C.O.* 5, 1262. *Nos.* 49, 49.i.; *and* (*without abstract*) 5, 1290. *pp*. 431–437.]

Aug. 14. **1034.** Minutes of Council of the Massachusetts Bay. Mr. Preble and Lewis Bean, two inhabitants of Yorke, came from thence yesterday and gave H.E. in Council a relation of the impression made by the enemy upon Wells, Winter Harbour, Papueduck, and that the Forts at Casco and Saco were insulted, their fireing being heard, but knew not the issue. They apprehended there were about 50 Indians appeared at Wells. H.E. wrote to Col. Hathorne and Col. Wainwright to meet with the Gentlemen of the Council and principal officers of the Militia in the towns of Salem and Ipswich, and to encourage the enlisting of voluntiers within their respective regiments for the service against the Indian enemy *etc*., and to make a list of their names. [*C.O.* 5, 789. *p*. 529.]

Aug. 14. Burlington. **1035.** Minutes of Council of New Jersey. Present:—H.E. Edward Lord Cornbury, Governor: Lewis Morris, Col. Robert Quary, William Penhorn, Samuel Jenings, Thomas Revell, Samuel Walker, Daniel Leeds, Francis Davonport, George Deacon, William Sandford. H.E.'s Commission for the Government of the Province of Nova Cesaria was read, and his Commission from H.R.H. for Vice-Admiral of the said Province. He took the oaths appointed, and administered them to seven Members of Council, the remaining three, Samuel Jenings, George Deacon and Francis Davonport subscribed the Declaration appointed to be taken by those whose consciences would not permit them to sware, and also subscribed the Test.

Alexander Griffith, H.M. Attorney General, took the oaths appointed. [*C.O.* 5, 1019. *p*. 1.]

Aug. 16. **1036.** Journal of Assembly of Jamaica. The House met and adjourned.

Aug. 17. Col. Thomas Sutton absenting himself without leave, ordered that he be sent for in custody.

Aug. 18. The House met and adjourned.

Aug. 19. The House met and, for want of a quorum of 21 to do business, adjourned. [*C.O.* 140, 7. *pp*. 93, 94.]

Aug. 16. **1037.** Minutes of Council of the Massachusetts Bay. H.E. communicated to the Council a letter from Capt. Turfrey, Commander of H.M. Fort Mary at Saco, containing an acct. of the insult made by the enemy on that garrison, and of their being repulsed and drawn off, as also of the mischief done at Winter Harbour and Saco on the out-settlements; and despatched letters to the several garrisons at Saco, Blackpoint and Casco to send off the women and children, and to retain all the men fit for service, and put them under pay; and a letter to Capt. Southack to sail to Sagadohock and demand of the French and Indians the prisoners in their hands; and to Governor Winthrop to desire assistance from the Government of Connecticott of a Foot-company of 60 men under proper officers.

Aug. 17. A Flagg of Truce arriving yesterday from Port Royal, with a Messenger and letter from Mr. Brouillan, Governor for the French King there, H.E. communicated the said letter to the Council, and replied to him, importing his sending all the French prisoners here in exchange for ours with him, onely reserving Capt. Baptist with great distinction from the rest, detaining him as a criminal and felon, and to be reserved for the Queen's pleasure, withal shewing his resentment of the late barbaritys acted by some French officers and two priests commanding the salvages upon a number of poor women and children in open settlements, presuming they were under his commission, and expecting that he command them to restore the women and children to their place again.

63*l*. 19*s*. 2*d*. paid to James Gooch, Commander of the sloop *Sea-flower*, for carrying supplies last spring to the garrison eastward.

Licence granted to James Barton to erect a building of timber on his wharffe to the seaboard nigh the Mill Creeke in Boston, in addition to his riggin house, on the south side thereof.

Aug. 18. Advised that H.E. do emit a Declaration against the Pennicooke and Eastern Indians, setting forth their perfidy, treachery, barbaritys, murders and rapines committed upon H.M. good subjects, declaring them to be rebels and enemys against H.M., her crown and dignity, to be out of H.M. protection, and to require all H.M. good subjects to treat them as such, and to do and execute all Acts of hostility upon them, and also to restrain the neighbouring friend Indians to their respective Plantations and places assigned to them. [*C.O.* 5, 789. *pp.* 529–531.]

Aug. 18.
Burlington.

1038. Minutes of Council of New Jersey. An Address was presented and accepted.

The abjuration oath subscribed by H.E. and Council not being Quakers.

The form of attestation in the room of the abjuration oath to be transcribed for the Gentlemen of the Council not taking oaths, as also the form of a Declaration for Privy Councillors to be altered, the terms implying swearing to be left out.

John Jewell and John White produced their Commission for Collectors of the Customs for the ports of Burlington and Amboy, and took the oaths appointed and subscribed the abjuration oath and test.

Resolved that there be three Courts held in the Province: Court of Conscience, County Court and Supreme Court. That

1703.

the Court of Conscience for all causes under 40*s.* consists of the Justices and other principle inhabitants as shall be appointed of the town or county, and sit every moneth to determine without a jury; the time of their sitting to be limited by the Commission. That in case any person be itinirate, a power to be lodged in any Justice of the Peace to grant a warrant to the Constable to bring the Debtor before him and oblige him either to pay the debt, or to give security to appeal at the next monthly Court. The Court of Pleas to try all actions, criminal, civil and mixt, and to sit four times a year in every County, the times to be appointed by the Commission. The Court to consist of the Judge of the Common Please, and the four assistant Justices whereof the Judge of the Common Please, or the first assisting Justice to be alwaies one. No cause under the value of 10*l.* to be removed to the Supream Court, each Court not to exceed four days at one sitting. The Supreame Courts to be held the first Tuesday in May at Amboy and the first Tuesday in November at Burlington.

Aug. 19. The Attestation in the room of the Abjuration Oath was read and approved and subscribed by the Gentlemen of the Council whose consciences would not admit them to take an oath (*see* Aug. 14), who likewise subscribed the Declaration as Councillors.

Capt. John Jewell and John White took the oaths of their offices.

Aug. 20. Committee appointed to consider the proper times for the sitting of the County Courts made their report.

Resolved, that the Quarter Courts be allowed to determine definitively all cases under 10*l.* excepting cases where the titles of land are concerned.

Proclamation ordered, declaring that all Constables exercising that authority on Aug. 9 in this Province continue their duty in their office till further order.

Proclamation ordered to be forthwith issued to the Sherrifs and all other proper officers to proclaim H.E. Commission in every county of this Province with all possible expedition.

Aug. 21. Resolved, that all Constables be chosen yearly at the Quarter Sessions by the Justices then present.

Above Proclamations signed.

Ordered that with the writ for the Election of Members for the General Assembly, instructions be given to the Sherrife to adjourn from county to county through each division, if a pole be demanded. [*C.O.* 5, 1019. *pp.* 2–5.]

Aug. 19. **1039.** Minutes of Council of the Massachusetts Bay. Ordered that Andrew Belcher, Commissary General, do supply the forces raysed for H.M. service with provisions for their subsistance from time to time as H.E. the Governor shall direct at the usual rate for subsistance as stated by the General Assembly, and that the stores and magazine for the Eastern Parts be lodged at Mr. Peperel's garrison in Kittery.

H.E. intimated to the Council that Col. Hunt had made default in the levy of souldiers ordered from his regiment, none appearing

1703.

either from Hingham or Weymouth, and dispatch't Col. Hobby with 10 of the troop of Guards with order to make a draught of 20 men out of each of the said towns.

Aug. 20. H.E. communicated to the Council a letter expressed to him from Major March, Commander of H.M. Fort at Casco Bay, and another from Capt. Southack, Commander of the *Province* galley, now there, containing a Journal of the insult made by the French and Indians for several days together upon that Fort, and of the galley's engaging them, Capt. Southack withal intimating that he durst not come away until some assistance came. H.E. exprest an order to Capt. James Gooch at Plymouth and the commanding officer of the souldiers embarqued on his sloop to sayle directly to Casco Bay, his former order notwithstanding.

Aug. 21. Ordered that Andrew Belcher do forthwith provide for the use of the forces raysed for H.M. service, hatchets, powder-hornes, belts and snapsacks of each 500, large shoes and stockens of each 500 pair, and that they be lodged with the Commissarys at the several stores to be delivered to the souldiers as they shall have occasion to be charged therewith upon accompt.

H.E. acquainted the Council that he would order 100 firearms immediately to be prepared and send 50 of them to Mr. Peperel's garrison at Kittery, and the other 50 to Casco Bay, and to be delivered to the Commissarys there, to be changed with the souldiers by order of the officers, taking in the defective arms and markeing them with the souldiers' names, that they may be forthwith amended at their charge respectively, and to be restored them. And also intimated that he would give order to fit up the house of Forthill in Boston to lodge the public stores of arms and ammunition.

Upon complaint made of great disorders by negro and molatto slaves, in Boston and Charlestown, being absent from their masters' familys by night, rambling about the streets, makeing a great noyse and disturbance, and committing many insolencies, Ordered that no negro or molatto slave in either of the said towns do presume to be abroad in the night time after 9 a clock, and if any happen to be found in the street, or in any public house after that hour, unless it be on some errand for their respective masters, and that signifyed by a note in writeing under the master's hand, the constables, watchmen and any other of H.M. officers or good subjects, be and hereby are impowred to take them up and convey them to the House of Correction, there to remain all night to receive the discipline of the house and be discharged in the morning. [*C.O.* 5, 789. *pp.* 531, 532.]

Aug. 20. **1040.** Journal of Assembly of Jamaica. The Messenger reported that Col. Sutton appeared to be very well, and promised to come with him in the morning (*see Aug.* 17), but in the night pretended he was taken sick, and said he was not able to come, and writ to the Speaker that he was very ill and desired to be excused, but the House, upon the information of the Messenger, was of opinion he was well able to come, and did not allow his

1703.

excuse, and ordered the Messenger to execute the warrant, and not to return without him.

Aug. 21. The Messenger reported that Capt. Tho. Freeman had talkt to him out of the window of his house and would not open the door, but promised to come to town and surrender to him at his house, or that he would be at Mr. Norton's, and accordingly came as far as Kingston in order thereunto, but returned home again. *And see Minutes of Council in Assembly under date.*

Thomas Bryan not attending the service of the House was sent for in custody.

The Speaker acquainted the House that, in response to their address, the Governor said he thought Capt. Freeman had no excuse, if he were well; that he would take the Address into serious consideration in Councill, and recommended to the House the laying aside all animosities, and wisht there might be some method found out to do it, that so our enemies neither within nor without might take any advantage of us; and seeing the House had not passed the Additional Duty Bill so soon as he expected, he further earnestly recommended it to their consideration, and was concerned that when that Bill was in debate doubts should arise in the House, and that any Gentlemen should say, that if it past, the Queen would pass perpetuity, and lay the House under an adjournment, but he having given his word to the contrary, he hoped the House would have believed him to be a man of more honour than not to keep his word. [*C.O.* 140, 7. *pp.* 94–96.]

Aug. 21.
London.

1041. E. Dummer to the Earl of Nottingham. The *Mansbridge* sloop arrived Falmouth the 17th inst. Sailed from Falmouth May 9, arr. Barbados June 14, Antegoa 21, Montserat 23, Nevis 24, St. Xophers 25, Jamaica July 2. Left Jamaica July 6. Total days = 99.

This Master hath also been foule of a French vessel loaden with salt for Newfoundland and taken her, but left her in the sea; however 'tis a positive breach of his Instructions and I shall remove him. *Refers to an enclosed letter from Nevis. Signed,* E. Dummer. *Endorsed,* R. Aug. 22, 1703. *Addressed. Sealed.* 1 *p.* [*C.O.* 318, 3. *No.* 17.]

Aug. 21. **1042.** Minutes of Council of Jamaica. 47*l.* 8*s.* paid to Capt. William Jones, H.M.S. *Sea-horse*, for 948 days victualling for French and Spanish prisoners on board the *Serpent* Bomb-ketch. The Council desired the Governor to transmit the said account, as also similar accounts of other Pursers of H.M. ships to the Council of Trade and Plantations, to the end the same may be laid before the Commissioners for Victualling H.M. Navy, that H.M. accounts may not be twice charged for the same; and humbly to request the Lords that they will be pleased to recommend it to the said Commissioners to take some care that the Treasury of this Island be reimbursed the said sums, amounting to 223*l.* 15*s.* [*C.O.* 140, 6. *pp.* 171, 172.]

1703.

Aug. 21. St. Jago de la Vega. **1043.** Minutes of Council in Assembly of Jamaica. Bill for dividing the Parish of Elizabeth read the second and third time. The Assembly attending, the Governor passed this and six other Acts: confirming the agreement of Olivia Reid; for the better recovery of the money raised for providing an addition to the subsistance of H.M. Officers and Soldiers and for other uses; for confirming the will of Anthony Wood; empowering the Justices of St. George's to raise and pay in their taxes by a former Act, and indempnifie the Justices and Vestry of St. Thomas in the East and St. David's for not raising their taxes in the time limitted; to prevent the incursions of the enemy; and, to encourage privateers and other seafaring men and to prevent impressing.

The Assembly addressed H.E., desiring his aid in arresting Thomas Freeman, one of their members, who had escaped from the custody of their Messenger. [*C.O.* 140, 6. *pp.* 517, 518.]

Aug. 23. **1044.** Minutes of Council of the Massachusetts Bay. Ordered that a warrant be made out to impress six or eight shoe-makers to be employed by direction of Mr. Joseph Bridgham forthwith to make shoes for the supply of the forces.

H.E. communicated a letter from Governor Winthrop of Connecticot, importing that he had sent a company of 50 dragoons under the command of Capt. Cooke, into the county of Hampshire for their assistance; also a letter from Governor Cranston of Rhode Island, in answer to H.E.'s appeal for 50 soldiers, Aug. 12, replying that they could not spare any.

Commission from H.R.H. Prince George, Lord High Admiral, constituting Roger Mompesson to be Judge of the Admiralty within the Massachusetts Bay, New Hampshire, Connecticott, Rhode Island and the Jerseys, New Yorke and Pensilvania, read. Mr. Mompesson tooke the Oaths appointed and subscribed the Test.

Licence granted to Robert Calef, jr., to erect a dwelling-house of timber on his land, situate on the southerly side of the house and land of Hannah Kent, widow, at the South end of Boston; also another building for a shop to stand about 12ft. distant to the southward of the house, and a shed or workhouse about 30ft. distant from the easterly end of the dwelling-house. [*C.O.* 5, 789. *p.* 533.]

Aug. 24. Philadelphia. **1045.** J. Moore to the Council of Trade and Plantations. Prays for a salary out of the Customs in return for his 5 years service to the Crown, "which has soe far irritated Mr. Pen and his friends that he has sent orders to take what office(r)s I held in his Government out of my hands, the Queen's service and his being inconsistent and hetrogeneall," *etc.* *Signed*, J. Moore. *Endorsed*, Recd. Dec. 11, 1703. Read March 23, 170¾. 1 *p.* [*C.O.* 5, 1262. *No.* 50; *and* 5, 1290. *pp.* 476, 477.]

Aug. 24. **1046.** Journal of Assembly of Jamaica. Col. Sutton being in custody of the Messenger desired by some of the Members of the

House to be admitted to a hearing. He was sent for, and pretended indisposition was the occasion of his non-attendance; but the House, being of opinion it was rather out of disrespect to the House, resolved that he be repremanded by the Speaker and admitted to take his place, paying his fees, 5*l.* to the Clerk, and 15*s.* to the Messenger. He said he would pay nothing at all, and was ordered to be confined at the Messenger's house.

Thomas Brayne [? *Bryan*] attending in custody of the Messenger, offered such matters in excuse for his absence from the service of the House, that the House unanimously approved and accepted of, and was ordered to take his place.

There being now a House to proceed upon business, Mr. Brabant's letter to the Speaker and Assembly, Aug. 13, was read:—"Since at present we are made uncapable of serving her most gracious Majestie and this Island by the pernitious contrivance and practices of Col. Andrew Langley, our Speaker, we hope that you will take this our Remonstrance into your serious consideration and come to such resolutions as may tend to the honour of H.M. and the good and welfare of Jamaica. Gentlemen, you very well know that on Aug. 4, a Bill for continuing the Additional Duty and Impost was read the third time in a full House and past the votes of all but Mr. Bragge, who stept out upon some occasion, and when the majority of the House desired the Speaker to send for him, in opposition to our request, the Speaker abruptly adjourned, contrary to all former usage and custom, and the known and settled rules of the House, and the next morning told Mr. Brabant that if he had sent for Mr. Bragge to come in, when the votes were passing the third time about the Additional Duty Bill, that he believed there would have been an equality of voices, that then the determination had layn on his casting voice, which he avoided, having no mind to be concerned on either side. Likewise, Gentlemen, you know very well that Mr. Ayscough did openly in the House accuse the Speaker when sitting in the Chair of muttering to himself, "If the House pass the Bill, I won't sign it," by which proceedings the Speaker did in effect assume upon himself a negative voice when a majority was against him. Which great presumption does not only aime at the Prerogative of the Crown, but absolutely takes away the rights and liberties of the people. Likewise, Gentlemen, you very well know that when the House mett on the morning after that hasty adjournment, the House being ashamed of the Speaker's proceedings the night before, consented and ordered the minuit relating to that action should not be entered in the Journal, and came to a resolution that the Bill for continuing the Additional Duty Impost should be read a third time in the afternoon. When the House mett accordingly, severall Members reminded the Speaker of the resolution in the morning and moved that the Bill should be read a third time according to order, but instead of obeying that order, the Speaker contemptuously was pleased to admit of other debates, which wee were sencible was to the great disservice of the Queen and Country and the hindrance of the public good, contrary to his known duty and

1703.

the settled rules of the House, for which irregular proceedings we went out of the House, having no hopes left that the Speaker would do his duty or conforme to any rules. Wee do declare that the country and ourselves having received so many hardships from the Speaker by his ill practices and breaking through all rules, that unless the House will acknowledge satisfaction upon their minuits for the injuries wee have received, and resolve to proceed on the choice of a new Speaker, we cannot in justice to those Gentlemen that sent us, and ourselves, sit with you, but must protest against your proceedings." *Signed*, H. Brabant, Cha. Long, James Archbould, Jo. Bonner, Aldw. Elbridge, J. Blair, Jno. Ayscough.

Upon full debate, resolved *nem. con.* that the letter is false, scandalous, malitious and seditious, tending to the subversion of the Constitution of the Government and ruine of the Island. Resolved that the above signatories of the letter be expelled the House during this Assembly and remain in custody of the Messenger; as well for signing the same false scandalous and seditious paper as for other their great contempts of the authority of the House here in the minuits before sett forth.

The Messenger was ordered to bring Mr. Brabant to the barr of the House. The Speaker acquainted him with the Resolution of the House, and he thereupon withdrew and the Messenger was ordered to keep him in custody.

And see Minutes of Council in Assembly, Aug. 25.

Resolved, that every Member of this House have leave to waive his priviledge the next Grand Court, if he shall think fitt.

Aug. 25. It being moved by severall Members that Col. Tho. Sutton was ready to obey the orders of the House in paying the fees, ordered that he be admitted to take his place in the House which he did accordingly.

Ordered that the Messenger bring Dr. John Blair to the Barr of the House. The Speaker reading to him the order of the House for his expulsion and for his confinement to the Messenger's house, he thereupon askt if that was all and withdrew. The Messenger was ordered to keep him in his custody.

And see Minutes of Council in Assembly under date.

Resolved that the Messenger bring to the bar of the House on Friday John Peeke, Charles Long, Jno. Ayscough, Aldworth Elbridge, James Archbold and John Bonner.

Revenue Bill read a second time and ordered to be engrossed.

Tho. Hudson granted leave to repair home on extraordinary occasions promising to attend on the first notice given him.

Aug. 26. Message sent up to H.E. to desire that his Honour will be pleased to order the Act for encouraging Privateers and other seafaring men, and to prevent impressing, to be publickly read at such places as his Honour shall think fitt for the satisfaction of H.M. subjects. H.E. was pleased to say it should be done. [*C.O.* 140. 7. *pp.* 96–105.]

Aug. 25. **1047.** Lieut. Governor Handasyd to the Council of Trade and Plantations. Duplicate of letter of July 5, *q.v.* *Signed*,

1703.

Tho. Handasyd. *Endorsed*, Recd. Oct. 12, 1703. 2¼ *pp.* [*C.O.* 137, 5. *No.* 113.]

Aug. 25. **1048.** Minutes of Council in Assembly of Jamaica. The Governor replied to the Address of the Assembly, Aug. 21, that he would use his utmost endeavours to bring the absent Member there complained of to his duty.

The Governor requires to have the minutes of this House from the time of the last that was delivered in to this day inclusive to be delivered to him this night, for that he must send them by the packett-boat, which he expects to sayle to-morrow.

The Governor communicated to the Board an Address which he received from the House yesterday, desiring him to issue out writs of Election for two Members to serve in this Assembly for the parish of Westmorland, as also a writ of Election for the parish of St. Catherine's for a Representative in the room of Henry Brabant, expelled the House; another writ of election for the parish of St. Dorothy's for a Representative in the room of John Bonner, expelled the House; another for the parish of Kingston, in the room of Aldworth Ellbridge, expelled the Assembly; another for the parish of St. Andrew's, in the room of James Archold, expelled the Assembly; another for the parish of St. John's, in the room of John Ayscough, expelled the Assembly; another for the parish of Clarenden, in the room of Charles Long, expelled the Assembly; another for the parish of St. Thomas to Windward, in the room of John Blaire, likewise expelled this Assembly. "And that your Honour would be pleased to order the expediting the said writs, the House being so thin at present that they cannot make a quorum of 25, according to the rules of the House, to pass any Bill a third time." [*C.O.* 140, 6. *pp.* 518–520; *and* (*duplicate of Address*) 521, 522.]

Aug. 25. Amboy. **1049.** Minutes of Council of New Jersey. Capt. Andrew Bown was sworn of the Council. [*C.O.* 5, 1019. *p.* 5.]

Aug. 26. Whitehall. **1050.** Mr. Popple to Governor Sir B. Granville. H.M. absence at the Bath occasioning a little recess in the sitting of the Council of Trade and Plantations, and this being the day appointed for sending letters by the Packet-boat for the West Indies, I find myself obliged to acknowledg the receipt of your letter to their Lordships of June 16 last, which is now come to hand, and shall be laid before them at their next meeting, so that they may give such directions thereupon and returne such answer as they shall think fit by the next opportunity. In the meantime I send you here inclosed a duplicate of their last. [*C.O.* 29, 8. *p.* 325.]

Aug. 26. Whitehall. **1051.** William Popple to Lt. Gov. Handasyd. Upon occasion of H.M. being now at the Bath, and some of the Lords Commissioners for Trade and Plantations attending her there, it happens that there are but few in town, and they not making a quorum upon the day appointed for sending letters by the West India

Packet Boat, I find myself obliged to give you some account of the letters received from you since their last of July 28, etc. *Refers to past correspondence.* With regard to your letter of July 7, I observe in none of the minutes enclosed there is any mention made of any deliberation, either by the Council or Assembly, upon the reasons wch. had been sent you for and against the Act relating to the settling of Kingston and to prevent the resettling of Port Royal, as was directed by their Lordships, April 29, but only an Order is entered about dating Acts hereafter, and no proceedings at all were made either by the Council or Assembly upon what their Lordships desired in relation to the settling of the seat of Trade, so that they will be disappointed in what they did expect to receive from you upon that matter, *etc.* [*C.O.* 138, 11. *pp.* 26–28.]

Aug. 26. **1052.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Council that he had ordered the takeing up of a sloop, Phillip Pendexter, master, to send to Port Royal with Mr. Allen the messinger that came from thence about the exchange of prisoners, and therein to send the French prisoners that are here, and to bring home ours that are there, and proposed she should be victualled for 14 men, by the space of 40 days, and that he would instruct the Master to endeavour to speak with Capt. Southack or Major March by the way; and to have the assistance of Mr. Allin for the recovery of our captives from the Indians.

20*s*. each for a fortnight's service paid to Elisha Doubledee, Thomas Cutler, senr. and jr., and Daniel Evermore, four troopers that waited upon the Hon. Thomas Povey in his journey to Piscataqua for the ordering of the forces lately sent into the Eastern parts. [*C.O.* 5, 789. *p.* 534.]

Aug. 26.
H.M. Royal College of William and Mary.

1053. Minutes of Council of Virginia. This Board taking into consideration that the time limited by Order of Council, July 13, for clearing of such ships as intend to sail under convoy of Commodore Symonds being so nigh to the time fixt for the said ships' sailing, it will be very difficult for the Collectors and Naval Officers to perfect their lists, etc. in time to be sent for England, ordered that such ships clear on or before Sept. 8, and that Collectors and Naval Officers transmit to H.E. with all convenient speed thereafter three fair copies of entries and clearings and invoices of loadings of ships since their last lists.

Resolved, that 12½ per cent. be laid upon the prime cost of the arms and ammunition sent in for the use of the Militia, to defray the incident charges in connection therewith. Directions given for the disposal of said arms *etc.* Salary of Edward Ross, Gunner at James City, advanced to 15*l*. sterl. per annum, in consideration of the trouble he must undergo in taking care of the *arms etc.* now in the magazine. 50*l*. allowed him to keep them in good order for 12 months.

Ordered that notice be given to the Colonels and Commanders in Chief of every County that after the General Muster appointed

1703.

by law in October next, the private musters formerly appointed to be had every week be discontinued till next Spring.

Richard Morris, Surveyor of Henrico County, was suspended from his office for surveying a tract of land in that county for John Woodson, contrary to the orders he received from Col. Wm. Byrd in pursuance of the Act for Cohabitations. Ordered that he appear before H.E. and Council on the fourth day of next October General Court to answer what further shall be objected against him, according to the Order of Council, July 14.

Upon a complaint from the Court of Essex County, representing that Mr. Tho. Merriweather, late Sheriff of the County, hath refused to produce his levy book, that the Court might have been enabled to order payment to the County Creditors according to the Order of Council, March 25, it is the opinion of the Council that Thomas Merriweather ought to be prosecuted on his bond as Sheriff, and recommend to the Justices of the said Court to take care therein, they being the persons to whom the Bond is granted.

H.E. laid before the Council a letter dated July 20, and sent him by Mr. Commissary Blair before his departure for England, together with his answer thereto, and also read two letters to H.E. from the Bishop of London, and three from his Lordship to Mr. Blair relating to the differences between H.E. and the said Commissary, which letters came to H.E.'s hands since Mr. Blair went for England. H.E. said that it appeared Mr. Blair had misrepresented him in England, and insinuated as if this country was dissatisfied with H.E. Government, with several other aspersions, and desired the Council to speak, if they knew that the Country was dissatisfied or uneasie.

Mrs. Mary Whaley by her petition praying that the Trustees of the City of Williamsburgh may be directed to pay her for so much of her land as was taken up for the said City, and because the certain quantity is not yet known, that a survey be made, Ordered that it be referred to the said Trustees.

Aug. 27. Robert Carter was sworn a member of Council.

Ordered that the Naval Officers make up their accounts with the Treasurer on the 3rd day of next October General Court, only Col. Richard Lee in respect of the distance of his habitation hath leave to make up his accounts at such convenient time before the General Court as Mr. Treasurer shall appoint.

The Oaths appointed by Act of Parliament were read and approved in Council. Whereas by one of H.M. Royal Instructions to H.E. this day communicated to the Council, H.E. is directed to permit a liberty of conscience to all persons (except Papists) so they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government: it is therefore ordered that the Court of each respective County within this Colony transmit to H.E. an account of all separate congregations or religious meetings of any persons dissenting from the Church of England, and of what number of persons the said meetings and every of them consist; and that they also certifie to His Excellency whether the said congregations or meetings be conformable to the Act of Parliament, 1 William and Mary, for exempting their Majesties' Protestant subjects dissenting from the Church of England from the penaltys of certain laws.

Whereas it is very necessary that all County Courts be provided with the Acts of Parliament and Statutes of England, ordered that the Justices of the Peace of the several Counties take care to send for such a collection of the said Acts, as are now wanting in their Courts, and that they continue the like care for the future that the Courts be duly provided with the Laws and Statutes of England as from time to time they come out.

H.E. read part of a letter written by him to Lord Nottingham, July 28, and to the Council of Trade, relating to the reports spread through this country of a new Governor being appointed here, and that H.E. was turned out for maleadministration.

Address from the Clergy to the Bishop of London read, complaining against Mr. Commissary Blair.

Whereas Capt. Jno. Symonds, H.M.S. *Guernsey*, hath signified to H.E. that upon the petition of several Masters of ships in Virginia and Maryland, he doth condescend to stay for the said ships until Oct. 1, Ordered that the time for clearing them be enlarged till Sept. 22, etc.

Ordered that Naval Officers account with Mr. Auditor Bird for the 2*s*. per hhd. etc. on Sept. 24. [*C.O.* 5, 1412. *pp.* 97–102.]

Aug. 27. Whitehall. **1054.** Earl of Nottingham to the Council of Trade and Plantations. Col. Laws and Col. Edlyn being lately come from Jamaica, and having attended the Lords of the Committee with an account of some matters relating to Port Royall and Kingston, their Lordships ordered them to wait on you, and do desire that you will consider of the matters, which those two gentlemen will lay before you, and report your opinion thereon etc. *Signed*, Nottingham. *Endorsed*, Recd. Aug. 30, Read Sept. 9, 1703. 1 *p*. [*C.O.* 137, 5. *No.* 114; *and* 138, 11. *p*. 29.]

Aug. 27. Jamaica. **1055.** Lt. Gov. Handasyd to the Council of Trade and Plantations. I had the Honor to receive your Lordships' of May 27 and June 18 with duplicates of Aprill 20 and 29 as also the merchants' reasons pro and con about resetling Port Royall with a duplicate and H.M. Orders for the preventing of presents to Governours and encreasing the Governour and Lieutenant Governour's salary here, and H.M. Order in Councill of May 17, confirming some Acts of this Island, all which I have communicated to the Councill, but find they have no other reasons to give about Port Royal then what has been already given by the merchants at home. As to the accounts of the publick revenue I have spoke to the Receiver General about them, who tells me they are stated to March 1, 1702, and are now lying before the Assembly, and will give me the copy of them with all possible expedition, which shall be remitted to your Lordships per first opportunity, and I presume he has acquainted your

Lordships with the same. The Assembly has done as much in what relates to the publick accounts which have lain before them since March 1, as they have done in any other thing relating to the Queen and country, vizt. litle or nothing, as your Lordships will find by their Minutes herewith sent you, in which your Lordships will perceive that the great part of their time is spent in heats and divisions. They being this Sessions most of them Creolians are at as great variance with those born in England as if they themselves were not descended from English parents, and are so obstinate in their humours that they will neither lead nor drive; and if they go on in the methods they are now in, they will teach me what I n'ere expected to learn, that is, either to be a Conjurer or a Philosopher, but I shall use my utmost endeavours by fair means to make them sensible of their errours and bring them to reason. Captain Wyvill, Commander of the *Colchester* and another Man of War, with a Fleet of 24 or 25 merchantmen under his convoy, sailed from hence the 17th instant, but such an unpolisht humorist or rather mad gentleman I have not mett withall, as your Lordships will find by the copy of his answer to a letter of mine which I likewise send a copy of, with those of papers relating to that gentleman, which if your Lordships approve of may be sent to the Admiralty Office, I being wholly a stranger to the Office and their proceedings. Since my last there has been a smart feaver in the Island which has carried off a great many of the inhabitants, and on the 19th instant, twixt 4 and 5 in the afternoon we had a great shake by an earthquake, but has done no farther harm that I hear of then putting the people in a fright. I also send your Lordships a duplicate of my last letter of July 7 according to your Lordships' instructions, as likewise 4 publick and 2 private Acts that have passed me and the Councill, together with the Minutes of the Councill. The ships left here for the defence of the Island are so very thinly mann'd that tho' we spare what soldiers we can, unless they are supplyed with sailers from home they cannot be kept on float, which I hope your Lordships will represent to the Lord High Admiral. I shall now only begg the continuance of your Lordships' favour and patronage in honouring me with your instructions and advice (for tho' an old soldier I'm but a young politician) which shall to the utmost of my power be punctually observed. I have wrote a letter to the Bishop of London about supplying the vacancies here which I have left open for your Lordships' perusall, which if you approve of, I humbly desire you would order it to be sealed and sent. I have nothing else to add. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 12th, Read Oct. 19, 1703. *Holograph. Addressed.* 1 *p.* *Enclosed*,

1055. i. Abstract of preceding. 2 *pp.*

1055. ii. Commodore Douglass to Lt. Gov. Handasyd, Aug. 25, 1703. *Norwich*, att Port Royal. Desires to be supplied with 20 or 30 soldiers for a month's cruise round the Island, and an order "that I may know how to govern myself and the rest of the squadron for pressing of men." *Signed*, Andrew Douglas. *Endorsed*, Recd. Oct. 12. 1¾ *pp.*

1055. iii. Lt. Gov. Handasyd to Capt. Wavell, July 28, 1703. *See* Minutes of Council. *Endorsed as preceding. Copy.* 2 *pp.*

1055. iv. Capt. Wavell to Lt. Gov. Handasyd, July 30, 1703. *See* Minutes of Council. *Endorsed as preceding. Copy.* 1½ *pp.*

1055. v. Governor and Council of Jamaica to Comodore Douglass. July 31, 1703. *See* Minutes of Council. *Endorsed as preceding. Copy.* 1 *p.*

1055. vi. Commodore Douglass to the Governor and Council of Jamaica. Aug. 3, 1703. *See* Minutes of Council. *Endorsed as preceding.* 2 *pp.*

1055. vii. Lt. Gov. Handasyd to the Bishop of London. Jamaica, Aug. 27. I think it my duty to acquaint you of the great want there is in this Island of Divines, and if there is not some speedy care taken to supply this defect, I'm afraid great inconveniencys may ensue by giving an inlett to prophaness and immorality. I here enclosed send your Lordship a list of the parishes provided and unprovided of this Island, with an account of their respective salarys, and altho' they are but small, yet men of good lives and conversations have always mett with very kind parishioners, and as long as I am in the Government I shall contribute what lyes in my power to make such men easy. The best parish formerly was Port Royall, but now that is gone. *Signed*, Tho. Handasyd. *Endorsed as preceding. Copy.* 1 *p.* [*C.O.* 137, 6. *Nos.* 1, 1.i.–vii; *and* (*without enclosures*) 138, 11. *pp.* 50–55; *and* (*abstract of letter only*) 137, 41. *pp.* 15, 16.]

Aug. 27. Jamaica. **1056.** Lt. Gov. Handasyd to the Earl of Nottingham. *Repeats part of preceding. Signed*, Tho. Handasyd. *Endorsed*, R. Oct. 8, 1703. *Addressed. Sealed. Post-mark.* 1 *p.* [*C.O.* 137, 45. *No.* 50.]

Aug. 27. Jamaica. **1057.** Lt. Gov. Handasyd to the Council of Trade and Plantations. Since the closeing of my letters to your Lordships, I have received a letter from Commodore Douglass, which I here inclose to your Lordships, by which you will perceive the necessity of supplying these ships with men from home, for tho' I have already out of the two Regiments help'd to man two ships and a sloop, yet he writes for soldiers for two Men of Warr more, which are all the ships of warr here excepting the two fireships fitted out by the country; which very much fatigues the soldiers; and hope your Lordships will take it into your consideration. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 12, Read 19 Oct., 1703. *Addressed. Sealed. Holograph.* ½ *p.* [*C.O.* 137, 6. *No.* 2; *and* 138, 11. *p.* 49.]

1703.

Aug. 27. **1058.** Journal of Assembly of Jamaica. Resolved that the scandalous paper signed by Henry Brabant *etc.* (Aug. 24) be sealed into the Journal of the House.

Dr. John Bonner, Capt. James Archbold, John Ayscough and Aldworth Elbridge were severally brought to the barr of the House, and the Speaker read to them the resolution of the House for their expulsion and confinement at the Messenger's.

The Speaker having acquainted the House that John Peeke had informed the Governor on Aug. 5 that he, the Speaker, intruded on the prerogative and assumed upon himself the power of the Governor, Council and Assembly, he was summoned to appear and answer to it at the barr of the House. He answered "I did say it, and you did do it" and withdrew. He was recalled, and the Speaker, according to the resolution of the House, demanded how, when and where did the Speaker intrude on the Prerogative *etc.* Mr. Peeke answered he desired a coppy of the charge and he would give an answer, for he could not recollect his thoughts immediately, and withdrew. Ordered that the Clerk give him a copy of his charge, and that he give in his answer to-morrow morning.

Col. Matthew Crew and Capt. Thomas Hudson complained of a breach of Priviledge by Robert Thurgar, Attorney at Law, who had taken out an execution against them. Thurgar was sent for in custody of the Messenger.

Aug. 28. *See Minutes of Council in Assembly under date.*

Resolved that there shall be a warrant sent for John Samuells on the breach of privilege complained of by Mr. Vassall.

Petition of Robert Thurgar read and ordered to lie on the Clerk's Table.

Mr. Peeke being called in, gave his answer, that the words entered for his answer yesterday were mistaken, for what he said was, hee did say the words 'tis true, and therefore if the House pleased that the words might be altered in the minuits, which he left to the consideration of the House, and then read a paper, which was his answer, and withdrew.

Resolved, that the words as they are entered in the minuites yesterday are the very words he spake in the House for his answer.

Resolved, that the paper read by him lie on the Clerk's table for consideration.

The Messenger informed the House that all the gentlemen ordered into his custody were in his custody except Capt. Long, who had promised to come. [*C.O.* 140, 7. *pp.* 105–107.]

Aug. 28. **1059.** Sir Gilbert Heathcote to the [? Council of Trade and Plantations]. It might be worthy your Lordships' consideration about ye conniving at a Trade betwixt our people at Jamaica and the Spaniards; for we exchange our goods with 'em for nothing but gold and silver, and ye goods we traffick with are onely wearing apparell and negroes for their mines. This might also help to cultivate a good understanding, in order to promote H.M. glorious designe of reading [? *rending*] ye Spanish Monarchy out of ye hands of ye House of Bourbon, without which we are

1703.

undone. This might be done by intimating to ye Governor to wink or looke through his fingers, and when they bring silver etc. to ask noe questions at their returne. This is done by the Hollanders from Curasoa, and we have as good an appetite for gold and silver as they have, and much better conveniencys from Jamaica to gratifye it. *Signed*, Gilbert Heathcote. Aug. 28, 1703. 2 *pp.* [*C.O.* 137, 15. *No.* 51.]

Aug. 28. **1060.** Minutes of Council in Assembly of Jamaica. Message sent up to H.E. from the House.

"The Bill of Revenue, Quitt-rents and some other Bills have had the second reading, and till we have some more Members returned, cannot make a full House to proceed any further." The Grand Court approaching, they desired to be adjourned. H.E. adjourned them accordingly until Sept. 13, 1703. [*C.O.* 140, 6. *p.* 522.]

Aug. 28. West River, Ann Arundell County. **1061.** Minutes of Council of Maryland. Letter from George Plater, H.M. Receiver and Naval Officer at Puttuxent, read, acquainting the President that Capt. Josiah Moore, H.M.S. *Oxford*, who was one of the convoys to the Virginia fleet, had brought into Puttuxent River a sugar prize, and that Mr. Plater on behalf of Capt. Moore desired, in case Col. John Hammond, the Judge, and William Bladen, Registrar of H.M. Court of Vice-Admiralty, could not conveniently come down to Puttuxent in order to condemn the said prize, that a special Commission might be granted appointing some other persons at Puttuxent thereunto, in regard Capt. Moore was indisposed, and his stay very short in this Province. His Honour had replied, Aug. 24, that Col. Hammond thought it reasonable that Capt. Moore or his procurator should exhibit his libel to the Court here, in order to the condemnation of the prize, which will be expedited as soon as desired, if he thinks fit, the said Judge not thinking himself obliged to go down to Puttuxent, no application being made to him or sufficient reason offered by the Commander therefore. "Besides I find that the Commander upon his arrival with his prize by the Act of the 4th and 5th William and Mary is directed to put the prize into the hands of the Governor in plain English words, which you must needs know to be the present Government, the President and Council, till the same be condemned or discharged. Therefore you would do well to advise him to conform himself to that law or any other later of her present Majesty, if you know any such." *Signed*, Tho. Tench.

Letter from Tho. Tench to Capt. Josiah Moore read. *To same effect as above. Concludes* "This previous requisite of delivering the prize into the possession of the Governor I have taken care to make easy to you by ordering your friend Mr. Plater, H.M. Receiver, to take the same into his custody on behalf of H.M., unless you think fit to bring her up hither, where to your speedy dispatch in her condemnation my best endeavour shall be contributed." *etc.*

After which was read Capt. Moore's letters to the President and the Judge of the Court of Vice-Admiralty, desiring that a Court might be appointed for the condemnation of the said prize at Puttuxent, which was answered by a letter in the same sense as above by the President and Council. [*C.O.* 5, 745. *pp.* 37–40.]

Aug. 28. **1062.** Minutes of Council of the Massachusetts Bay. 5*l.* paid to Eliakim Hutchinson for his expence towards the recovery of the English prisoners out of the hands of the Indians.

413*l.* 13*s.* 7*d.* paid to Mr. Treasurer for provisions supplied to H.M. Castle, the Forts at Saco and Casco Bay, the *Province* galley, *etc.* [*C.O.* 5, 789. *pp.* 534, 535.]

Aug. 31. **1063.** Journal of Assembly of Barbados. The new Assembly met and re-elected William Holder Speaker. Members returned;

St. Michael's Parish	George Peers. Charles Thomas
St. Peter's	Alexander Walker. Samuel Maynard.
St. Thomas'	William Allumby. George Harper.
St. John's	John Leslye. Christopher Estwick.
Christchurch	Phillip Kirton. Thomas Maxwell.
St. Lucy's	Col. Thomas Maycock. William Terrill.
St. James'	William Holder. Robert Waite.
St. Phillip's	Thomas Ince. Enoch Gretton.
St. Andrew's	Robert Morris. Reynold Alleyne.
St. George's	Henry Harding. Paul Lyte.
St. Joseph's	Col. John Holder. William Grant.

[*C.O.* 31, 7. *pp.* 92, 93.]

Aug. 31. **1064.** Minutes of Council [*in Assembly*] of Barbados. The Representatives took the oath, except Col. Maycock, who was ill:—

After they had withdrawn, H.E. sent to summon them to attend him at the Council Chamber again, but they were not to be found at their usual place of meeting. [*C.O.* 31, 8. *pp.* 62–64.]

Sept. 1. **1065.** Minutes of Council of Barbados. H.E. communicated to the Board a report (1) from Charles Buckworth, Judge of the Vice-Admiralty, Aug. 28, together with (2) the Attorney and Solicitor General's opinion thereon;—(1) There having been lately

1703.

brought into Carlile Bay by Capt. Wm. Pead and Capt. John Halsy a sloop, *Charles the Second*, of which Capt. Manuel Manasses Gilligan hath taken his oath that he is sole owner, and most part of the cargo, and one William Francis Andrews is supposed to be Master at the time of the caption of the said sloop, which with her cargo and appurtenances is by me condemned in the Court of Admiralty as lawful prize for unlawful trading with the Queen's enemies, I thought it my duty to represent to your Excellency's consideration that the abovesaid Gilligan is a natural-born subject of the Queen of England, but hath since taken his oath of fidelity to the King of Denmark and the Royal West India Company of St. Thomas, and hath a pass from the Governor of St. Thomas to go with the said sloop to the neighbouring Islands about his lawful occasions for six months. Now he, not having any liberty granted by the said Governor so to doe, hath of his own inclination and will unlawfully traded with the Queen's enemies upon the Maine Continent of America, and having transported himself into this Island, in order to justify such his unlawful trade, I doe, with submission, declare that he being now in H.M. Dominions ought to be secured there till H.M. pleasure be known, or at least to give sufficient security to appear and deliver up himself to be tried. And for the supposed Master, Andrews, and the rest of the Queen's subjects concerned in the said unlawful trade and now in this Island, and not having any pretention of their having sworn loyalty to any prince but H.M. of England, are at least liable to be proceeded against in the same manner. *Signed*, Cha. Buckworth. (2) Upon the above Report, recommended by H.E. for our consideration, we [*? think it will*] conduce to H.M. interest to have a true state of this case drawn up and transmitted to H.M. with all convenient speed, in order to receive her Royal pleasure therein, and that in the meantime Gilligan and Andrews and all other H.M. natural-born subjects belonging to the *Charles the Second* be either secured, or give good security not to depart this Island until H.M. pleasure be signified herein *etc.* H.E. and this Board having seriously considered the foregoing, ordered that Charles Buckworth doe forthwith issue his warrant to apprehend the said persons and that he take such security as H.E. shall approve of for their forthcoming when commanded, and in case they refuse to give such security, that then he commit them to gaol. [*C.O.* 31, 8. *pp.* 64–67.]

Sept. 1.
St. Jago de la Vega.

1066. Minutes of Council of Jamaica. Ordered that the planck brought down from Hispaniola by the Englishmen lately escaped thence in the sloop called the *Catharine* be valued and the money they shall be so valued at be immediately paid to the said men.

Ordered that a shed be built over the new carriages to be made out of the said planck for H.M. gunns in the parade to preserve them from the sunn and weather.

342*l*. 12*s*. 8*d*. paid to Lt. Gov. Handasyd for a quarter's salary according to the old allowance ending Sept. 1 and for the new addition appointed by H.M. April 20.

1703.

9*l.* 13*s.* 10*d.* paid to the Lt. Gov. for money paid by him for bricklayers' work, buckets, *etc.* for the well at the Queen's house.

94*l.* 16*s.* paid to Capt. Francis Hislop on account of salary and rent of a storehouse, as Capt. of H.M. traine of artillery. [*C.O.* 140, 6. *pp.* 175, 176; *and* 189, 190, *where the date is given erroneously as Sept.* 31.]

Sept. 1.
Boston.

1067. Minutes of Council in Assembly of the Massachusetts Bay. H.E. summoned the Assembly to attend and addressed them:—When I prorogued this Assembly I did not intend to have troubled you until the ordinary time of your session in October, but the sudden eruption of the Eastern Indians has made it necessary for me to see you, and to let you know the present state of the Province and your affairs. I am not sorry for the pains and cost I have taken in the two last interviews with those Indians, if possible to have kept them in obedience, notwithstanding the infraction they have now made upon us, because I am well assured that H.M. will be satisfied that we are not the aggressors, but that all this breach of faith is on their parts by the instigation of the French Missionarys amongst them, who attended them in the late mischiefs. And I hope yourselves and all H.M. good subjects will with the better courage and freedom support the service and charge of the war, when no possible methods of justice and friendship can oblige them to obedience, which they have so often promised and repeated. I am not sensible to have neglected one hour in the service for the security of the Frontiers, notwithstanding their sudden and secret falling upon the whole Province of Mayn at once at the distance of 50 miles. The Garrisons at Wells, Saco, Blackpoint and Casco were so well appointed as to hold their own, and the two last were relieved in four days time and I have now upwards of 400 men in the Province of Mayn, which I doubt must be increased, which has brought up the present forces to 900, the list whereof shall be laid before you. I am very sensible what great charge this must necessarily bring upon the Province, but I hope none of H.M. subjects will doubt of our duty to support our frontiers, or of our prudence to keep the war as far off as we can. I have earnestly moved H.M. Governments of Connecticot and Rhode Island for a quota of men from thence, which yet I doubt of, but that must not abate but be added to what is already on foot, if I can obtain it. The present care before you is to rayse what is necessary for the subsistance and payment of the forces, a good number of small arms, cloths, and shoes must be soon sent to them, and I shall take care that there be Commissarys in the several parts, who shall answer for everything that is put into their hands, for whom you will provide salaries as they deserve, and I desire you to do what is proper therein that the best and fittest man may be induc'd to serve. I have also to communicate to you H.M. most gracious letter referring to the support of the Governments, wherein you will see H.M. just expectation from you, and I have good reason to hope that, while we have so many particular favours from H.M., you will do your duty and shew your obedience in this and all other Her royal commands, as you tender the protection of the Crown. I am well assured the management of this Government in the distant parts of it do's at all times demand all possible application, in which by the help of God I shall not fayle, and therefore justly expect the support H.M. has commanded. I am sensible your presents and service will be wanting in the several parts to which you belong, and therefore desire you will apply yourselves wholly to the publick affairs that this Session may not be long.

Mr. Speaker desired a copy of H.E. Speech, which was given him, and the House dismist to their business.

H.M. Letter of April 8, directed to the Governour and Council for setting a fixt allowance upon the Governor, etc., was presented by H.E. and read at the Board. Bill for discontinuing the Superior Court of Judicatnre in Hampshire and York Counties during the present troubles with the Indians, read a first time.

Sept. 2. The above Bill was read a second time, amended, passed to be engrossed and sent down for concurrence.

Bill relating to executors and administrators was brought in and read a first time.

Message sent up from the Representatives to return thanks to H.E. for his early care of the frontiers, and to desire that he would forthwith rayse such further force as with those now in the service may form a suitable army to pursue the Indians to their headquarters, if it may be.

H.M. letter of April 8 was sent down to the Representatives.

Resolved that H.E. be desired again in the most pressing manner to urge the Governments of Connecticott and Rhode Island to send a quota of men.

Sept. 3. The above vote was returned from the Representatives with their concurrence.

Message sent up to move H.E. whether it may not be proper to form an expedition to Port Royal, if voluntiers offer, at the same time that any army is sent up into the country.

Message sent to the Representatives to propose an establishment for a Commissary General and two sub-commissarys for the forces.

Vote of the Representatives for granting a tax of 11,492*l.*, according to the rules for the last tax, to be paid in grain and provisions in the several towns at certain stated prices, sent up and read. Message sent down to represent to the House the impracticableness thereof, and the loss and damage that would necessarily ensue to the Province thereby.

Sept. 4. The Representatives sent up their vote again, insisting thereupon, which was again read and sent down with a Committee to confer with them. [*C.O.* 5, 789. *pp.* 868–871.]

Sept. 2.
London.
1068. E. Dummer to the Earl of Nottingham. I think it my duty to represent to your Lopp. the Generall Fact (or one year's experience) of holding correspondence with the Islands in the West Indies by four vessels. *Repeats record of the ships' voyages, averaging about* 100 *days out and home.* In my original

1703.

proposition I allowed 95 days besides the time allotted to be spent at each Island, so it appeareth that every boat hath performed their course in less time both winter and summer than I allowed. It is represented from all the Islands to augment the time of stay a little beyond what it is. I know not whether your Lordshipp will think fit to do it. *Proposes to stay* 24 hours more at Barbados, 18 at Antegoa, 12 at Montserat, 12 at Nevis, 12 at St. Christophers, and 5 days and nights more at Jamaica. I am of opinion that the addition of this 8¼ days, to make the whole 19½ among the Islands, will not be detrimental to the speed required of them, provided your Lordshipp shall give orders that the Masters of these vessels shall deliver the Mail on board upon firing a gun to the Chief Officer residing at the Port where he shall arrive, and that they shall not be obliged to carry the mails or other packets 8 or 10 miles into the country, and to attend especially at Jamaica two or three times at the Governor's remote residence for orders, by which means he cannot attend the cleaning and watering of his vessel, nor keep his men together, nor despatch the most necessary affairs for his voyage home, and that no Capt. be commanded to go out of his way or stay longer at any of the Islands than the allotted time. I beg that these things be positive, for they are forbidden to carry out or bring home any goods whatever, but only passengers, because they shall lye under no temptation on that score. There was nothing I took more care to inculcate into the minds of these Masters than that they should make all possible dispatch, and avoid both friends and enemys at sea, by default of which all the loss has happened, and altho' the last boat be come safe to port, nevertheless the Captain having assaulted, taken and exchanged men with the enemy, hath acted contrary to his orders, therefore I have dismissed him, and supplyed another in his room *etc.* (Well done, *written in margin.*) *Signed,* E. Dummer. *Endorsed,* Recd. Sept. 2, 1703. *Addressed. Sealed.* 1¾ *pp.* *Enclosed,*

1068. i. Copy of Instructions of the Captains of the Mail-Packets to the West Indies. Article 10 permits the Captains to carry passengers from one Island to another, at tariffs ranging from 2*l.* 10*s.* from Barbados to Antegoa, 3*l.* from Barbados to Jamaica, 4*l.* from the Leeward Islands to Jamaica, and 12 pounds from any of the Islands home to England. 3 *pp.* [*C.O.* 318, 3. *Nos.* 18, 18.i.]

Sept. 2.
Whitehall.

1069. William Popple to Sir Edward Northey. The Council of Trade and Plantations having received from the Lt. Governor of Jamaica an Act declaring Kingston the Chief Seat of Trade, *etc.*, and some gentlemen lately arrived from Jamaica having attended the Lords of the Committee, who meet in the Earl of Nottingham's Chambers, upon which his Lordship has desired the Lords Commissioners for Trade to take the same into consideration and to report their opinion thereon as soon as possible in regard of the necessity that some speedy resolution be taken

1703.

therein, I am directed by such of the Commissioners as are present in town to send the said Act to you, and to desire your opinion thereupon in point of Law with all the speed you can, that some other Members of this Board, who are now absent, but near at hand, may be summoned to meet and deliberate upon their report without too great delay. Sir Gilbert Heathcote etc. will attend you about this matter. [*C.O.* 138, 11. *pp.* 30, 31.]

Sept. 2. Portsmouth. **1070.** Minutes of Council in Assembly of New Hampshire. Message sent to the House from Lt. Gov. Partridge that, for want of a full Council, he adjourned the House till to-morrow.

Sept. 3. H.M. Letter, April 20, read before the Council, the Assembly attending.

Letter from the Council of Trade, April 20, read.

Joint Committee appointed to examine into the Treasurer's account. Ordered that the 60 men under Capt. James Davis, being out on scouting at the head of the Rivers, be disbanded.

Sept. 4. Message sent down with a vote relating to the impressing of 18 men to make up the number twenty men at H.M. Fort, as also for the impressing of 60 men to secure the frontiers.

2*l.* paid to Patience Alkins for half a year's rent from May 17—Nov. 17, 1702, for the Assembly and Council's sitting.

Vote sent up that the Lieut. Governor is desired to order such a number of men as he thinks convenient to scout at the head of the frontier towns or other service for 14 days, in such manner as he thinks most convenient for safety, either by parcells or in a body, and that each man find himself provisions, arms and ammunition from their first going forth till their return.

Message sent up from the Representatives that they were still considering H.M. Letter of April 20.

H.E. summoned the Assembly to attend and prorogued them till Sept. 21st. [*C.O.* 5, 789. *pp.* 333–335.]

Sept. 3. **1071.** Minutes of a Council of War of sea and land officers held on board H.M.S. *Boyne* in St. Mary's Bay, Newfoundland. Upon reading H.M. Instructions to Brigadier *Colenbine* and H.R.H. Instructions to Vice-Admiral Graydon, and upon mature consideration of (1) the ill state of the ships with respect to their hulls, masts, badness of sails, standing and running rigging, anchors, and cables, all being in very sadd circumstances; (2) the seamen being very few in number, and even those so sickly and weake that they are not fit to endure any fatigue ashore, and scarce able to worke the shipps at sea, with the help of the soldiers now aboard; (3) the provisions at short allowance, and that very badd, having been long in the West Indies, and drinking water which with the coldness of the clymate coming directly out of the other benumbs their limbs, and flings them into fluxes and scurveys; (4) the winter's approaching very fast, having had very badd weather on this coast for 28 days past, wch. together with the aforementioned disadvantages gives us little prospect of making any considerable efforts on the enemy, but rather to use our endeavour to secure them for a good passage home to England, especially the great ships, who are most of them disabled by stormy weather, having been sent abroad not fitted out for these countreys; (5) by the account sent by Brigadier Colenbine of the condition of Placentia relating to the fortifications in '93, and manner of attacking it. The number of 2,000 men were then proposed. (6) The five regiments here are reduced to 1,305. The New England forces which were to have been 500 are but two companys; were at first but 70 both, and now but 25, the whole very weak and sickly. (7) By the best account we have of Placentia the enemy are not inferiour in number to these forces and better able to bear the fatigue and rigour of these parts, and the present season being so farr spent for these weake men to make a formall seige or make that dispatch requisite, according to the account of the severall and particular avenues and defilées rendring the access so difficult, not only by the streightness and distance where there is paths, the height and steepness of other parts, but to be of a spongeous and moorish nature. And the stores are wanting of planke and other materialls to supply such difficulties in getting up the guns to the battery, that the weakness of the forces with requisite necessaries for encamping that are wanting, their tents being worne out. (8) This season of the year which falls out contrary to expectation is the unfittest for such attempts, coming out of a hott country, and the French being at their full strenght, having all the assistance that can be expected from the Letters of Mart and Fishing ships, which can now best supply them with men, provisions and ammunition upon any occasion, together with the power of the Governor, who has them under his absolute command. It is therefore the unanimous opinion that to make any attempt on Placentia with the ships and forces at this time of the year, under the present circumstances, is altogether impracticable, and hath no probability of success, but more likely to be a dishonour to H.M. armes. *Signed*, Jo. Graydon, Will. Whetstone, Hov. Walker, Sam. Vincent, Tho. Lyell, J. Hartnoll, G. Walron, Jona. Span, H. Mitchell, Tho. Mitchell, E. Rumsey, Tho. Mathews, W. Fairborne, S. Bourne, Tho. Campion; and Jam. Rivers, Charles Wills, Hen. Frankland, Phinees Bowles, Wm. Wrightman, F. Colenbine, John Symonds, John Hanaway. *Subscribed*, I agree with the rest of the Gentlemen of this consultation, M. Richards. *Copy.* 3 *pp.* [*C.O.* 194, 22. *No.* 7.]

Sept. 3. Barbadoes. **1072.** Governor Sir Bevill Granville to William Popple. *Enclosing the following.* This is the third packet which is come since my being here, and by every one I have sent letters to their Lordships and duplicates by the *Coventry* frigat, which with the merchant ships under her convoy sailed hence, Aug. 10. *Signed*, Bevill Granville. *Endorsed*, Recd. Read Nov. 17, 1703. *Holograph.* 1 *p.* *Enclosed*,

1072. i. Governor Sir B. Granville to the Council of Trade and Plantations. The pacquet boat which sail'd from England August 2 and arrived here the first instant brought me your Lordships' letter bearing date July 28. I have had my health so very ill till within these few days as to be unfitt for much businesse. I am now recovered and shall make an end the next week of visiting the fortifications, ordnance, stores of war and Militia; after which I shall make that particular report to your Lordships, you command me: in the meantime tho' the fortifications are defective, what I find by information to be weakest is the Militia, great numbers of servants are lately become free and gone off the Island, none brought in, the sicknesse (which begins to abate) has destroy'd abundance, and very many were listed and carryed away by the Regiments when here. In what relates to the fortifications I shall make use of Captain Hayes, a gentleman who served the last warr in Flanders and applyed himself, as he assures me, to that part of the Service, having been employed on several occasions under Monsieur Cohorn: if upon tryall I find him answer the account he gives of himself, or the character he has from his friends, I shall then recommend him to your Lordships for his establishment as Engineer in the room of Captain Sherrard, deceased. I was sensible that the Flaggs of Truce gave opportunity for illegal trade and correspondence, which amongst others, as I mentioned to your Lordships in my last, was the reason I did not confirm the Cartell with Martinico: but it is the Danish Island of St. Thomas which in time of war ever has, and is the staple for all sort of indirect and illegall trade and commerce; I shall be very watchfull to prevent it and doe all things that become me to answer your Lordships' expectations and my duty. By the Master of an English vessell taken in June last prisoner to Martinico and since made his escape I am informed that 90 English prizes have been brought in there since the war, that they have at this time 28 Privateers at sea, who are very strongly mann'd having amongst 'em 3,000 men. He tells me farthur that they are lading at Martinique ten sail of merchant ships for Europe which will be ready to depart in 15 days, they go without convoy. Inclos'd is the receipt of the Masters of vessells to whom your Lordships' letters for Bermuda were delivered. I have none unsent, but that for Mr. Bennet which came in this last pacquet. I am informed by severall from Bermuda, that Mr. Larkin is not there but that he went from thence several months past: they can't tell me to what place. *Signed*, Bevill Granville. *Holograph*. 4 *pp*.

1072. ii. Copy of receipts of Masters of vessels for pacquets of H.M. Letters directed to the Governor of Bermudas. 1 *p*.

1072. iii. Abstract of above letter. 1½ *pp*. [*C.O.* 28, 6. *Nos.* 106, 106.i.–iii.; *and* (*without Nos.* ii. and iii.) 29, 8. *pp*. 343–346.]

1703.
Sept. 3.
Boston.

1073. Minutes of Council of the Massachusetts Bay. 35*s.* 2*d.* paid to Capt. Edward Sergeant of Newbury for ferriage of souldiers and posts in 1702.

Licence granted to John Barret to erect a timber dwelling-house, with a lean-to, on his land fronting on the alley leading from the sign of the Salutation at the north end of Boston, provided that he slate or tile the roof.

12*l.* 16*s.* paid to Capt. Josiah Chapin of Mendon for the charge of carpenters and others to erect fortifications at Oxford and Hassanamisco, and in looking after the Nipmug Indians. [*C.O.* 5, 789. *p.* 535.]

Sept. 6.
At the house of Captain Thomas Jenour, in the town of St. George's.

1074. Minutes of Council of Bermuda. Upon reading a clause of H.M. Instructions of Nov. 6, 1702, about proceeding upon the Commission granted for trying of pirates in these parts, it is the opinion of this Board that the said Instructions are sufficient authority to proceed in all matters relating to pirates according to the Commission in that behalf already received from his late Majesty. A Court of Admiralty was appointed to be holden on Tuesday next come five weeks at this place for tryal of the several persons in H.M. Prison on a charge of piracy.

Ordered that Mr. John Kendall be paid his salary appointed for Ministers of St. George's in proportion for the time of his last arrival from Carolina to the arrival of Mr. Thomas Holland and that a testimonial be prepared for him.

Ordered that the Assembly meet this day come month and precepts be issued out.

Capt. Brook's Commission for Collector read, and he took the oaths accordingly.

Now at this Board was exhibited by Thomas Burton on behalf of Martha Johnstown *alias* Outerbridg, Widow, and William Outerbridg, jr., a petition about an Order from his late Majesty, but Petitioners having left the said Order at home, the matter was referred to the next Court of Chancery. [*C.O.* 40, 2. *p.* 56.]

Sept. 6.

1075. Minutes of Council in Assembly of the Massachusetts Bay. Bill sent up for discontinuing Courts in Hampshire and York during the present troubles with the Indians read and concurred with.

Message sent up that the Representatives desired that the consideration of H.M. letter referring to stating a salary for the Governour might be deferred to another Session, many members being absent.

Accounts of Andrew Belcher, Commissary General, referred to a Committee.

Proposals sent up from the Representatives for the encouraging of the prosecution of the Indian enemy and rebels read; agreed that they be digested into a Bill.

Sept. 7.

A written message was sent up from the Representatives, that this House have considered H.M. letter of April 20, but

1703.

forasmuch as the members of four entire counties and several other towns are prevented attending by reason of the troubles with the Indians and otherwise, do apprehend it their duty to defer further consideration until a fuller house shall appear.

Bill to encourage the prosecution of the Indian enemy and rebels, sent up was read a first and second time and passed to be engrossed.

Petition of Capt. Thomas Waffe for an abatement of half his last year's excise, he holding his license but about 10 weeks, sent up with the order of the Representatives accordingly, was granted.

Vote sent up from the Representatives that a day of solemn fasting and prayer be speedily appointed and observed throughout this Province.

Proclamation drawn up appointing Thursday, 22nd inst. accordingly.

Vote of Representatives for granting a tax of 11,492*l.*, with alterations, was again sent up.

A Bill relating to the forces that are or shall be employed in H.M. service was brought in. [*C.O.* 5, 789. *pp.* 871, 872.]

Sept. 8. **1076.** Minutes of Council in Assembly of the Massachusetts Bay. Andrew Belcher was chosen Commissary General.

Pursuant to a former Order of this Court, the Justices of the Superior Court reported the method of their proceeding upon appeal from judgments given on nonsuits or abatements, which was read.

Bill to encourage the prosecution of the Indian enemy passed, and H.E. signed his consent thereto.

Bill for granting unto H.M. a tax upon polls and estates, passed in the House of Representatives, was read and passed to be engrossed. Bill, sent up, relating to the forces was read a first and second time and passed to be engrossed.

Sept. 9. The two last bills were read a third time and passed.

Order sent down, was concurred by the Representatives, that all hearings set to this Present Session, are adjourned and continued to the same day in the next Session of this Court, and others not set to a certain day, be continued at large.

Order sent down was concurred by the Representatives, that every Master of any ship arriving from foreign parts, shall deliver in all his letters to the Post Office at the Port of discharge, or shall deliver them at any other place where he happens first to arrive, the Post Master demanding the same, in which case they shall be forthwith expressed to the Post Office in Boston. And all Masters shall be paid by the Post Master a halfpenny a letter for every and so many letters as he shall put into the Office, and the Post Master shall be paid and receive the accustomed rates and prices now paid for letters by him delivered out.

H.E. signed the several Acts passed, and ordered that they be sealed and published.

H.E. summoned the Representatives to attend, and observed to them the good acceptance which they had expresst of what had been already done relating to the war, and of the preparations now making and the supply they had cheerfully granted for the support thereof, and desired them to steady the people in their several countys against any terrifying fears of the enemy. And then intimated, that on advisement with the Council he had determined to prorogue this Court to Wednesday, Oct. 27. [*C.O.* 5, 789. *pp.* 872–874.]

Sept. 9. **1077.** William Popple to Governor Codrington. H.M. absence at the Bath occasioning a little recess in the sitting of the Council of Trade and Plantations and this being the day appointed for sending letters by the West India Packet boat, I find myself obliged to send you the inclosed duplicate of their last letter, since which they have not received any further from you. And whereas an Order of Council has been lately past for repealing an Act of the General Assembly held at Nevis in December, 1702, *for the better securing and confirming the Titles of Land in that Island*, I judge it also requisite to send you the said Order here inclosed that the same may be accordingly observed; and H.M. having further directed that their Lordships do acquaint you with the reason offered by them for this repeal, I send you likewise a copy of their Repn. on that subject in which you will find the same explained. [*C.O.* 153, 8. *p.* 210.]

Sept. 9. **1078.** Governor Lord Cornbury to the Council of Trade and Plantations. Your Lordshipps' letters of January 26, 170$\frac{2}{3}$, February 22, 170$\frac{2}{3}$, March 25, 1703, April 7, 1703, and April 29, 1703, all came to my hands July 29 last by Mr. Clarke, who at the same time delivered me my Commissions and Instructions for this Province, and for that of Nova Cæsarea or New Jersey. On the next day I published my Commission for the Government of this Province, in the usual manner, after which I took all the oathes required and subscribed the Test and Abjuration, then I administered the same to all the Gentlemen of the Councill who were then in town. I have likewise sent directions to administer the oathes to all persons in any offices in the severall countrys in this Province. And on August 10 I left this Province to goe into Nova Cæsarea or New Jersey. I have given your Lordships in another letter a particular account of all proceedings in that Province, so shall say no more of it in this; I am now going to Albany to meet the Indians, who, contrary to their promise to me the last year, have received two Priests at the Onondagos Castles. I have sent Col. Schuyler thither to try if he can prevail with the Indians to send the Priests away, I hope he will be returned by the time I get thither. I shall not stay above ten days there, because the Assembly of this Province is to sit here upon Oct. 5. I hope I shall prevail with them to give a fund for a stronger detachment than last year. We have an account of some preparations the French are making in Canada, perticularly several large boats,

1703.

which we supose to be intended for the carrying men from Quebec to Montreal, in order to be ready to attempt something upon our frontiers this winter. I intreat your Lordshipps to believe that nothing shall be wanting on my part to secure this country from any attempt of the enemy; tho' really the little security we have of the Indians makes the people who live upon the frontiers very uneasy. I wish we had more regular forces, we should then be better able to defend the country, to annoy the French, and to keep the Indians in awe. In my letter of June 30 I acquainted you that I had kept spies abroad ever since the beginning of May; by some of which I had intelligence of a party of French and Indians, who designed to make some atempt to the eastward of New England, of which I gave Coll. Dudley notice; he has since found my intelligence true; for by the last post from Boston I received a letter from Coll. Dudley, by which he tells me that a party of French and Indians had surprised a place called Wells, where he had posted four score men. After that the enemy went to surprise a Fort called Casco, where there was twenty men; but they defended themselves soe well that they killed severall of the enemy and kept the place; your Lordships are pleased in your letter of April 29 to say that you are preparing letters to be sent to the several Plantations relating to the quota to be furnished by them for the assistance of New York. I wish they may be more obedient to H.M. than they were the last time, but I am afraid you will find they will not till they are compelled, either by some Act of the Parliament of England, or by such other method as the Queen will please to make use of, perticularly Connecticut and Rhode Island, from whence I am fully satisfyed we shall not have one farthing from them as long as they can help it, they hate anybody that owns any subjection to the Queen, that our people find every day, for if any of our merchants of this place goes to sue for a just debt in the Courts of Connecticutt, to be sure he shall have noe right, if his suite is against one of that Collony; the next thing your Lordships mention is that you are expecting an answer from me upon your directions for my examining the Acts of Assembly of which you were pleased to send me the titles in your letter of Jan. 26 last. I hope yet, before these ships goe, to send your Lordshipps a satisfactory answer to that matter, and the only reason why I do not send it with this letter is because all the Gentlemen of the Councill have not yet declared their opinions. Some of them are very nearly concerned in some of those Acts, as you will perceive by the account I shall send of them, in which I shall be carefull to send very perticular answers as your Lordships require: I humbly thank your Lordships for the increase of my salary. I shall not fail of acquainting the Assembly, as soon as they meet, with H.M. orders for prohibiting any presents being made to Gouvernours for the time to come. And I intreat you to believe that I will punctually observe H.M. commands in that matter, for I doe assure you I will not take any present from any person whatsoever. As for the Courts of Justice, which your Lordships mention in the last paragraph

1703.

of your letter, I do assure you that in all causes that have come before me in Councill I have always given them the best dispatch possible, and I am sure there has never been any delay, unless it were at the request of the parties themselves, or at the desire of some of the Gentlemen of the Councill, but that has not been for above three or four days ; indeed I have heard that the proceedings in the Supreame Court here have been dillatory, but I can assure your Lordshipps since the Queen was pleased to appoint Dr. Bridges to be Chief Justice here, he has applied himself with great dilligence to the reforming that abuse. I will not fail to send your Lordships as soon as possible the account you require relating to the causes depending in the Courts here. I had sent it now, had not this been the time of the Circuit, so that people being out of towne I cannot get so perfect an account as I ought, and am desirous to send to you, however if I cannot get it ready to send by this, I will be sure to send it by the next conveyance. In your Lordshipps' letter of April 7 I received a copy of your Report to the Queen, for which I return your Lordshipps thanks, and for the care you are pleased to take of this Province. I will use all the endeavours I can with the Assembly to make provision in the best manner for the defence of the Province. I will take care that for the future the accounts of the Revenue shall be transmitted quarterly, if there is any conveyance ready, and if not, by the first conveyance that shall offer. As for the Countess of Bellomont's accounts, I have layd them before the Councill : but finding them very deficient, we have refer'd them to three able accountants, whom we have appointed to meet my Lady Bellomont's agents, to see if they together can adjust it, in order to lay it before the Councill, that we may be able to make such a Report as may be proper to lay before your Lordshipps, which I hope will be to your satisfaction ; as for the receipt of any publick money, I shall most certainly observe the advice you give me. I will send an answer to Mr. Champante's paper by the next conveyance. I have likewise received your Lordshipps' letter with Mr. Attorney General's opinions enclosed, as to that relating to Bayard and Hutchins, I can only say that I was told that Bayard had brought his action against one or two of his Jury and one of his Judges, but I did not think it proper for me to stop any man's private action, espetially when there was no application made to me by the other side. As to Mr. Attorney General's opinion relating to Graves and Prideux, I can only say that Mr. Champanté does not state that case fairly in his Memorial. I supose the partys themselves have made that appear before this time ; therefore I shall trouble your Lordshipps no farther upon that matter now, only to inform you what effect those opinions have had here, and that is thus, those opinions are transcribed and dispersed among those who are called here by the name of the black party, some of which will never be reconciled to an English Government, nor to an English Gouvernor, unlesse they can find one who will betray the English laws and interest to the Dutch ; these persons as soon as they get these copies, turn them into Dutch and read them to the ordinary people, and tell them that the proceedings of Captain Nanfan and Mr. Atwood are approved of at home, and confirmed by the Reports of the Attorney General in England; and this has hapned within these four days past; therefore I desire when you are pleased to send Mr. Attorney General's opinion that I may likewise have the case as it is stated to him, that I may be able to lay the truth before your Lordshipps. As soon as I return from Albany I will give you an account how I find matters there, and will use my utmost endeavours to keep all things in the posture they ought to be; I herewith send the Acts of Assembly past the last spring, but no conveyance offering till now, I could not send them sooner.

P.S.—All the packets I sent directly from hence I have receipts for, and always enjoin the person to whom I deliver them, to sink them in case of danger. But those I send either by the way of Boston or Philadelphia I cannot answer for. *Signed*, Cornbury. *Endorsed*, Recd. Dec. 9, 1703. Read Feb. 22, 170¾. *Holograph*. 5 *pp*. *Annexed*,

1078. i. Abstract of preceding. 1¼ *pp*. [*C.O.* 5, 1048. *Nos.* 66, 66.i.; *and* (*without abstract*) 5, 1120. *pp*. 70–77; *and* (*abstract only*) 1000, 5. *pp*. 1, 2.]

Sept. [9]. New York. **1079.** Governor Lord Cornbury to the Council of Trade and Plantations. Having left New York in order to goe into New Jersey on Aug. 10, I arrived at Amboy on the 11th and that day published my Commission, having been met by several of the Gentlemen of the Councill and some of the Proprietors; the next day I proceeded to Burlington, where I arrived on the 13th afternoon, it being between fifty and sixty miles from Perth Amboy. I immediately published my Commission there, and would have had a Councill that night, but some of the Gentlemen of the Council were ill with riding, it being a very hot day, but the next morning I called a Council, where there appeared ten of the thirteen, of which the Council was to be composed, in pursuance of H.M. Instructions to me; Mr. Hunlock and Mr. Leonard being dead before I received H.M. Commission and Instructions for that Government, and Mr. Andrew Bowne was not able to travell soe farr. After I had taken the oaths and subscribed the test and abjuration, I administred the same to as many of the Gentlemen of the Councill as were willing to take them, that is, Mr. Morris, Mr. Reuell, Mr. Pinhorne, Mr. Walker, Mr. Leeds Mr. Sandford, and Col. Quary; but Mr. Fennings, Mr. Davenport and Mr. Deacon, being Quakers, said they cou'd not take an oath, and claim'd the benefit of the Act of Parliament; this begot some debate among the other Gentlemen of the Council, one of them saying that he was of opinion that the Act was not intended to ease the Quakers any further than only in cases where they were to be witnesses in Courts of Judicature, where their Declaration was to be sufficient, but he said he did not believe it was ever intended they should be by that Act entituled to hold any employment in Government; he further said, that the Act by which the abjuration-oath was enacted had no exception in it, and that that Act having been passed long after the Act by which the Quakers were eased, and no exception for them in it, he thought they ought to take that oath, the Quakers insisted not only upon the Act of 7th and 8th of the late King, but likewise said they knew I had Instructions to admit them into any offices or employments which they should be found capable of (by this I found that the information I had formerly had was true, that Mr. Morris had brought a copy [of] my Instructions with him, when he came from England). I found that in the 49th paragraph I am commanded to administer, or cause to be administered the oaths therein mentioned to the Members and Officers of Councill and Assembly, and to all Judges, Justices, and all other persons that hold any office or place of trust or profit in the said Province, and without which I am not to admit any person whatsoever into any publick office ; this I thought was very plain against the Quakers, but they desiring me to look farther, I found the 52nd paragraph (*for the admission of Quakers upon their signing the Declaration of Allegiance together with a solemn Declaration for the true discharge of their respective trusts*) ; whereupon I told the Gentlemen of the Council that I thought it very plain by that paragraph that it was the Queen's pleasure they should be admitted to sit and vote in Councill, signing the Declaration, which they did, and were admitted. They likewise signed the Declaration in a roll by themselves, only altering the word (swear) to the word (declare), thus that matter stands now, but I intreat your directions what I must doe for the future ; I must needs say that whoever it is that has informed H.M. and your Lordshipps that the number of Inhabitants fit to serve the Queen would be but small without admitting the Quakers, either did not [*know*] the country or else were not willing to own the truth they know, for it will appear by the accounts I hope to send shortly of the number of the inhabitants that the Quakers are much less in number then those that are not Quakers ; however, that they might not say, or think, that I had any prejudice to them as Quakers, I have put severall of them into the Commission of the Peace, if they approve themselves good subjects to the Queen, I have noe more to require of them. I hear since I came from thence that they doe not like the setling the Militia, which I have begun and hope to perfect in a short time, I mean the Quakers who would have noe Militia at all, but the rest of the people are very well pleased that they are like to be put into a condition to defend themselves, which they have not been yet. At Burlington the first thing we proceeded upon was to settle some Courts, and in order to it, I asked the Gentlemen of the Councill what Courts they had had under their Proprietary Government ; they said that their Courts were never very regularly setled, but such as they were it was under this Regulation, first they had a Court for determining all causes under 40*s*., and that was by any one Justice, and if either of the partys did not like the judgment of that Justice, he was at liberty to have a tryall by a Jury, paying the charges of the first suit, which I think was to render the benefitt

1703.

intended by the settling those Courts in effectuall; the next Court they had was a quarterly Court, where the Justices of the Peace determined all causes under 10*l.*; then they had a Court which they called the Court of Common Right, where all Causes both criminall and civill were heard and determined, and to this Court [*la*]y an appeale from the quarterly Courts. This Court of Common [*Right*] consisted of the Governor and Councill, and if any man thought [*himself*] aggrieved by the sentence of the Court of Common Right, then [*he mig*]ht appeal to the Governor in Councill, which was apealing [*from*] to the same persons. I told them I thought a Court for determining all causes under 40*s.* might be very usefull, but I thought it ought not to be [*in ?*] the power of one Justice of Peace alone, but rather three, and [*tha*]t the judgment ought to be definitive; this they approved of, soe it is settled till the Assembly meets, when I will use my best endeavours to prevail with them to settle it by an Act. Then I told them I thought the Courts which sate quarterly in the Province of New York were more regular then theirs, for there the quarterly Courts are held each County by a Judge of the Common Pleas and four Justices' Assistants, whereof three make a Quorum, and the Judge of the Common Pleas, or the first Assistant Justice always to be one, and this they likewise approved of, and those Courts are soe setled by an Ordinance of the Governor and Council, till your Lordshipps shall be pleased to direct otherwise. I have appointed Sheriffs and Justices of the Peace throughout the whole Province; and as I desired the Gentlemen of the Councill to give me the names of such persons as they thought proper to be put into the Commissions of the Peace, and Militia, soe I indeavoured to choose out such among them as, by the best information I could get, were the most likely men to join with me in endeavouring to reconcile the differences that have caused soe much disorder in that Province, and which I am afraid will not be presently brought to passe, however I doe assure your Lordshipps nothing shall be wanting in my endeavours to perfect that work. I have already recommended that matter to the Councill, and shall likewise doe soe to the Generall Assembly, as soon as they meet, which will be Nov. 9, at Perth Amboy. When first I acquainted the Council that the Queen had by her Instructions commanded me to call a Generall Assembly with all convenient speed, they were extreamly pleased with it, but there arose some debate about the method of issuing the writts, because some of them said the writts ought to issue under the great seale of the Province, and there being noe great seale yet come, that could not be, some were of opinion the Proprietors' seale of West Jersey should be made use of, others were for that of East Jersey, at last it was resolved that I should issue the writts for this time under my own seale, reciting the power the Queen has been pleased to grant to me under the great seale of England, this was the only expedient could be thought of to have an Assembly which they were not willing to stay for till the seale should come. I hope I have not done amisse in this matter, it was not of my own head alone I did it,

1703.

and it was intended for the service of the Queen and the Country. I have quite setled the Militia of the Western Division, and I have begun to settle that of the Eastern Division likewise. There is noe fortification in all the Province, noe stores nor ammunition, nor noe publick store-house, nor soe much as a house for a Gouvernor to reside in; I hope the Assembly will provide for that; as soon as anything occurrs relating to that Province, I will acquaint your Lordshipps with it. *Signed*, Cornbury. *P.S.*—Just as I was going to seale up this letter, I am informed the people in New Jersey are much disturbed at the limitation prescribed in the qualifications of persons fit to choose and be chosen for the Assembly, and indeed it will happen that some very good men will not be chosen because the(y) have not 1,000 acres of land, though perhaps they have six times that vallue in money. *Endorsed*, Recd. Dec. 9, 1703, Read March 27, 1704. *Holograph.* 5 *pp.* *Edges torn.* *Annexed*,

1079. i. Abstract of preceding. 1 *p.* [*C.O.* 5, 970. *Nos.* 12, 12.i.; *and* (*without abstract*) 994 A. *pp.* 135–144.]

Sept. 9. Whitehall. **1080.** Journal of Council of Trade and Plantations. Orders of Council, Aug. 12, read.

Letter from Lt. Governor Handasyd, May 23, read, and enclosures laid before the Board.

Duplicate of a letter from Col. Handasyd, May 30, read; but no duplicate of the papers therein mentioned having been therewith transmitted, the same are yet wanting.

Letters from Col. Handasyd, July 5 and 7, read, and enclosures laid before the Board.

Letter from Governor Sir Beville Granville, June 16, read.

Copies of letters writ by the Secretary to the respective Governors of Jamaica, Barbadoes and the Leeward Islands, Aug. 26, read.

Letter from Lord Nottingham, Aug. 27, read, and the letters writ by the Secretary thereupon approved of. [*C.O.* 391, 16. *pp.* 203–206; *and* 391, 97. *pp.* 569–571.]

Sept. 9. Boston. **1081.** Minutes of Council of the Massachusetts Bay. 4*l.* 0*s.* 6*d.* paid to Col. Daniel Peirce for expresses on H.M. service.

11*l.* paid to Major General Thomas Parry to complete his expenses in a journey to Piscataqua.

59*s.* paid to Col. Charles Hobby for expenses on 12 troopers and 30 souldiers from Hingham and Weymouth on H.M. service.

839*l.* 2*s.* 2*d.* paid to Andrew Belcher, Commissary General, for supplies to the garrisons and the *Province* galley.

Upon a Representation of a difference among the inhabitants of Lancaster about the manner of rayseing their minister's maintenance, ordered that for the present year they raise it upon the improved lands and other ratable estate within the Town, according to the rule set for the Province tax. [*C.O.* 5, 789. *pp.* 536, 537.]

1703.
Sept. 10. **1082.** (i) Freeholders, Widows and Orphans, late inhabitants of Port Royal to the Queen. Those interested in Kingston have obtained with all the secrecy imaginable, two Acts, to prevent the resettling of Port Royal and to invest H.M. in land, which tend to the utter ruin of petitioners and the subvertion of property *etc.* Petitioners petitioned to be heard before the passing of the same by the Council, which was not only denied, but petitioners threatened to be confined. *Signed*, Pe. Beckford, Hu. Totterdell, Noah Delaunay and 150 others. 2 *pp.*

(ii) Merchants, Masters of ships etc. of Bristol concerned in Jamaica. Port Royal hath always been and still is the most safe and commodious harbour for shipping and seat of trade, but the Town was by negligence burnt down Jan. 9, since which laws are passed there obliging ships to unlade and merchants to reside at Kingston only, which by former experience hath been found inconvenient for trade and incommodious to the inhabitants. We are humbly of opinion that maintaining Port Royall and your Majesty's Fortifications thereon is of absolute necessity for a defence of that Island and the deserting or dismantling thereof would expose the harbour and thereby the whole Island to the utmost danger of surprize by an enemy, and that Port Royal for the safety of shipping and health of its inhabitants doth far excel any other harbour or town in that Island. 69 signatures. *Endorsed*, Recd. 14th, Read Sept. 16, 1703. 1 *p.*

(iii) Petition of Peter Beckford, senr., Charles Knights, Charles Sadler, Charles Chaplin, John Walters, and Francis Rose, six of the Council of Jamaica, and Thomas Sutton, John Ellis, senr., John Ellis, junr., Francis Bragg, Thomas Brain, Thomas Cox, William Axtell, Hugh Totterdall, Wm. Needham, Robert Needham, Thomas Freeman, and Richard Banks, twelve of the Assembly, and 239 others, to H.M. After the Great Earthquake in 1692, some persons taking advantage thereof and having houses and land at or near Kingston about six miles from Port Royall and designing to advance their own interests and destroy Port Royal, did purchase land and sett out streets, markets and other public places at Kingston, and obtained an Act of Assembly to make Kingston a parish with the same priviledges and immunities as Port Royal; but the owners of Port Royal did notwithstanding rebuild that town (which stands most healthy and convenient and advantagious for shipping and trade) and disappointed the unjust designs of the said persons. Since the burning of Port Royal, the said persons have most unjustly obtained two Acts, by one of which it is enacted that the owners of land on Port Royal shall have so many square feet at Kingston as they had on Port Royal to be allotted to them by Commissioners, and that the public offices and market should not be kept at Port Royal, nor any wine or liquor sold there. And by the preamble of the other, it is insinuated that Port Royal was not a place tenable against an enemy, or to be succoured from the Maine, and of no defence, for that ships of war might pass through the Channell into the Harbour without damage from the Port, and that altho' after the earthquake people were necessitated to live at Kingston (which was for that purpose made a parish with the priviledges of Port Royal) yet by reason of the Fort, priviledges and some buildings remaining at Port Royal people returned back and lived there and almost dispeopled Kingston, and therefore that Port Royal should be no more a town *etc.* The first of the said Acts was clandestinely begun within two days after the fire and very unfairly obtained by promises made to several persons (to stop their clamour and opposition) that there should be raised 10,000*l.* for the poorest of the sufferers and lands allotted to them in the best places at Kingston *etc.*, and when the Bill came up to the Council, great endeavour and artifices were used to get a majority, and those who protested and dissented did desire that the same might be entred, and liberty to shew their reasons, but it was several times refused. And one of the Council demanded to see anyone who dared to be against the Bill. And in the middle of the debate in a free Conference between three of the Council (of whom two were for Kingston and one for Port Royal) and twelve or more of the Assembly, it was proposed to put it to the vote, whether the Bill should pass, which being opposed by the Councellor who was against the Bill, yet was carried by vote and averred to be Parliamentary, and a question afterwards put, whether Kingston was not the properest seat of trade for the whole Island, and carried in the affirmative, which was the foundation of that Act, against which some of the sufferers petitioned the Governor and Council and were threatened to be imprisoned for the same. Kingston is a very unhealthy place and the worst in Jamaica and very inconvenient for trade and shipping, for if Port Royal, which lies at the mouth of the channel, should not be rebuilt, all the ships, harbour and port of Kingston would be exposed to an enemy, and there is no place fit to build forts unless Musketo Point, which is a point of land betwixt the sea of the harbour, and a stinking, standing lake of water, and has not ground enough in breadth to build a fortification, and so spungy that a pike may be run up to the butt-head in the firmest part thereof, and no water within five miles nor inhabitants within 3 miles. nor people enough within 7 miles to man it. And if Port Royal be not rebuilt, an enemy may without any loss possess Kingston Harbour and by boats and sloops land men where they please, east or west of Kingston, and within two hours get windward and burn the ships at Kingston and land men and march to the town, and not come near any fortifications, or may, as soon as the land breeze comes, sail up the channel and destroy all the ships and town of Kingston, and may at all times with a very few ships lie in Port Royal Harbour and block up and keep in all the ships at Kingston, where the Fresh water is very unwholesom, and the town commanded almost all round by an higher ground, and to secure it against an enemy a line of 14 miles must be drawn, which will cost more than Jamaica is able to pay, and require ten times as many men as are there to defend it, and is situated between a great swamp or morass of

1703.

standing, stinking water and the Rising Sun, and the Trade Winds blow noisome smells from the ships, swamps and mangroves, and continual clouds of dust that the inhabitants cannot endure their houses nor walk in the streets, and soon after the building of Kingston and the Earthquake, a multitude of people dyed there, and many saved themselves by removing to Port Royal, tho' there was not then near houses sufficient to receive them, and 'tis the worst place for shipping sloops or other vessels to fit or careene, load or unload, or gett in or out. And Admiral Benbow (who was prejudiced against Port Royall and the Commanders there) did remove his ships from Port Royall to careen at Kingston, but finding the same impracticable and workmen not able to work above half the time, as they do at Port Royall, and that if a strong breeze had hapned (as sometimes it does for 3 months together), the workmen could not work at all, he was forced against his will to bring back his ships to Port Royal. Port Royall hath cost the inhabitants a vast sum of money to make a strong wall before it, which is an extraordinary fortification, and the ships lye leeward to the East and Trade winds, and the wall stands without a crack or breach against six months' violent winds of late. And tho' a ship or two of an enemy may, with great difficulty get into the harbour by the South channell a mile from the Port, yett a small platform att a little charge may be built upon the side of Salt Pond Hill, and manned from Spanish Town, which would sink any such ships, and in time of war all our ships in Port Royal are haled in a line close to the harbour side, so that the enemy coming from Windward falls to Leeward of our ships, and lyes obnoxious to our fireships, which are always kept for that purpose. Nor was it possible for an enemy, tho' masters at sea, to take Port Royal without landing a sufficient force to conquer the whole Island. For should that have been attempted, the enemy would certainly have lost all their ships and men. And Port Royal was and is the only fortified place, and the like could not be made for 100,000*l*., and is the most healthy place in the Island *etc.* Since those unreasonable Acts passed, several hundred of the ablest seafaring men and traders have left the Island, rather than settle at so unhealthy and inconvenient a place as Kingston; and it's to be feared that many more will do the like *etc.* Pray that the aforesaid Acts may not be continued. *Subscribed.*

(iv) H.M. is pleased to referr the above petitions to the Council of Trade for their opinion. *Signed,* C. Hedges. Bath, Sept. 10, 1703. *The whole,* 1½ *large pp.* [*C.O.* 137, 6. *Nos.* 3, 3.i.–iii.]

Sept. 11. **1083.** Attorney General to the Council of Trade and Plantations. In obedience to your Lordships' commands I have considered of the Act investing H.M. in *land in Kingston for the reception of the sufferers by the late dreadfull fire at Port Royall, declaring Kingston to be the cheife seat of trade, and head port of entry and fortifying West Chester,* and have heard Sir Bartholomew Graccdieu, Mr. Stephen Mason, Mr. Benjamin Way and Mr. James Whitechurch, who on behalf of themselves and others oppose the confirming the same, and hath made the objections in the annexed paper contained against that Act; which if they can be made out (as they propose to do before your Lordships) falsifye almost all the reasons mentioned in the Act for passing the same and will make the Act appear to be unreasonable and unjust.

As to the Act, if the grounds therein mentioned for making the same be true, I am of opinion it is necessary and for the benefit of the Island of Jamaica, and therefore just to take away what priviledges Port Royall had, the owners of lands there being recompensed by the provision made for them in Kingston, unless they have lost the opportunity of claiming the same, the time allowed to make their claimes being only till June 25 last, and the annulling and making voyd all covenants and agreements relating to the rebuilding, repairing or leaving in repair any messuages in Port Royall, and for payment of rents reserved or leases of the burnt houses (besides that it is necessary, the intent of the Act being that Port Royal should be deserted) is most reasonable, to releive tenants against covenants to repaire what was burnt down with the whole town, or to pay rents for the same, and is what was done for the tenants in the city of London by the Act for rebuilding that city after the great fire there, but as the clause for discharging rents is worded it doth not only discharge rents reserved on leases made to tenants, but all rent charges and annuities granted out of any tenements in Port Royall, which I think unreasonable, though there might be reason to lessen them in respect to the loss by the fire, but not totally to discharge them, and the rather because that annuityes charge the person of the grantor at the election of the grantee. And as to leases of tenements in Port Royall, the Act having discharged the rents reserved and covenants to repaire should have declared the leases voyd, which is not done by the Act, and therefore the tenants will have a title to what they had in Port Royall for the time of their leases discharged by all rent. By a clause in the Act there is a prohibition of keeping any tavern, storehouse or victualling house within two miles of the uttermost bounds of the town of Kingston, the necessity of which does not appear to me, since the Act doth not prohibit other buildings there. *Signed,* Edw. Northey. *Holograph.* 1½ *pp. Enclosed,*

1083. i. Duplicate of *No.* 1082. iii. 3 *large pp. Endorsed,* Recd. 14th, Read Sept. 16, 1703. [*C.O.* 137, 6. *Nos.* 4, 4.i.; *and* (*without enclosure*), 138, 11. *pp.* 31–34.]

Sept. 12.
New Yorke.

1084. Extract of letter from Governor Lord Cornbury to Mr. Thrale. I find in your letter of March 30, that you mention Captain Nanfan's accounting here, which I think is absolutely necessary he should, tho' hitherto I have not been able to perswade him to give me a faire account. He has, indeed, given me three several accounts, all different, and nothing but bundles of figures without any method. I told him he must make a fair account by way of debtor and creditor. He told me he could not do that because he did not know what Mr. Champante had received. I told him that was his Agent's fault, but that

1703.

need not hinder his stating his accounts, for I told him he must charge himself with the whole pay of the 4 Companies during the time of his administration, and that he must discharge himself by vouchers under the four heads of subsistence, clearings, off-reckonings, and ten per cent., and that whatever he could not discharge himself of by vouchers under those four heads, he must be answerable for till we knew what remained in the office, and then he would be discharged of so much. But this is a language he will not understand. Now yesterday I have received another account from him. As soon as I have had time to peruse that account I will acquaint you how I find it. *Endorsed*, Recd. Read Feb. 17, 170¾. *Copy.* ¾ *p.* [*C.O.* 5, 1048. *No.* 72; *and* 5, 1120. *pp.* 41–43.]

Sept. 13. Boston. **1085.** Governor Dudley to Mr. Blathwayt. *Refers to* letter to the Council of Trade, Sept. 15. An answer referring to the beavers from Mount Hope will be ready by the coming of the next shipps. Mr. Hollems brings this, and will give your Honner account of the Mohegin Indians and their treatment in this very troublesome time from the Governor of Connecticut. *Signed*, J. Dudley. *Endorsed*, Recd. Read Nov. 30, 1703. *Holograph.* 1. *p.* [*C.O.* 5, 863. *No.* 50.]

Sept. 13. **1086.** Journal of Assembly of Jamaica. The House met and adjourned.

Sept. 14. *See Minutes of Council in Assembly under date.* Several members being absent the House adjourned.

Sept. 15. Question put whether Andrew Orgil, being absent, should be sent for in custody. Carried in the negative. *See Minutes of Council in Assembly under date.*

Writ of election and return for the parish of St. Katherine's read. It was resolved that Noah Delauney was duly elected a Representative in the room of Henry Brabant, who was expelled the House. Ordered that the writ and return be entered in the Minutes of this House. *The return is signed by* Jno. Hickman, Provost Marshall, Henry Willis, John Hanson, Beaumont Pestell, Wm. Parker, John Palmer, Edward Rowland, Geo. Fletcher, Tho. Powell, Richd. Bradford, John Morris, Phillip Bonny, John Ellis, senr., John Ellis, Matt. Gregory, Robt. Nedham, Wm. Nedham, Tho. Flower, Richd. Masters, Bartho. Fant, Tho. Mercer, Arthur Sparke, John Bancks. [*C.O.* 140, 7. *pp.* 107–112.]

Sept. 13. Boston. **1087.** Minutes of Council of the Massachusetts Bay. 12*l.* advanced to James Converse, he being now going forth in command of H.M. forces raised against the French and Indian Rebels.

30*l.* advanced for subsisting of the guards to attend H.E. in his journey to the Eastward on H.M. service for the improvement of the forces there.

14*l.* 5*s.* paid to the Secretary, Isaac Addington, for engrossing Acts *etc.*

35*l.* paid to Andrew Belcher for the charge of building a new barge for the Castle.

1,400*l.* advanced to Andrew Belcher, Commissary General, for the procuring of supplies and stores for subsisting H.M. forces in the field and garrison. [*C.O.* 5, 789. *pp.* 537–538.]

Sept. 14. Whitehall. **1088.** Earl of Nottingham to Governor Codrington. Several merchants, proprietors and traders in Jamaica having represented to the Queen that by the advices from those parts they have reason to apprehend that the French and Spaniards are joining and gathering together a great strength of sea and land forces with a design to attempt Jamaica, I am commanded by H.M. to signify her pleasure to you that you diligently observe the motions of the French in Martinico and the Islands thereabouts, and if you find by their preparations that they may have a design upon any of H.M. Islands, that you also prepare on your part to oppose them; and if you have intelligence that they are proceeding to Jamaica, or have reason to believe it, I am ordered to recommend it to you to do what in you lyes to frustrate their designs, and to that end to send such ships and forces as you judge proper to join with those at Jamaica, to enable them the better to oppose the French and Spaniards, that as they join their forces against us, they should not have time and opportunity by attacking us separately to destroy us, for should they succeed at Jamaica, the Islands under your command would not remain long in security. I must acquaint you that there is a very considerable squadron of capital ships preparing to be sent to the W. Indies for the defence of our Islands, but this will not sail, I fear, till about the middle of October, and therefore I am ordered to write this letter to you lest this squadron should not come time enough to prevent the insults from the French and Spaniards, and if this could be disappointed, I hope they will no more unite against us, for the Arch-Duke of Austria will be, and probably is at this time, declared by the Emperor King of Spain, and is coming to Holland to embark on board our fleet and to proceed to Lisbon with an army of 12,000 English and Dutch to joine 28,000 Portuguese, and to enter Spain where great numbers of the Grandees and all the people impatiently wait for his coming, so that wee hope he will be in possession of that Monarchy very soon, and then at least that his subjects in the West Indies instead of Acts of hostility against us will esteem us their best friends, who have so eminently contributed to deliver them and their countrymen in Spain from a French slavery. *Signed*, Nottingham. [*C.O.* 5, 209. *p.* 7.]

Sept. 14. Whitehall. **1089.** Earl of Nottingham to Lt. Governor Handasyd. *Acquaints him with above instructions sent to Col. Codrington.* "You must find some way to acquaint the Spanish Governor of Hispaniola with this (*the alliance to place the Archduke of Austria on the Spanish throne*) and that you have orders to live in a friendly manner and to keep a good correspondence and commerce with him, and all the subjects of the Spanish monarchy that are willing to enter into measures of friendship, H.M. being unwilling to suffer any damage to be done to them, while she is succouring their countrymen in Spain and rescueing them from a French tyranny, and restoring their country to their lawful soveraigne of the House of Austria, and you are to do the like to all other the Spanish Plantations, as you have opportunity. *Signed*, Nottingham. [*C.O.* 5, 209. *pp.* 8, 9.]

Sept. 14. Whitehall. **1090.** Earl of Nottingham to Governor Sir B. Granville. In answer to your question whether the prohibition of commerce with the French prevents you from making any cartel with them for the exchange of prisoners, I must tell you it does not, but I must acquaint you also that when the French desired earnestly a cartel to be settled here to exchange all prisoners of one side for all on the other, as was practised in the last war, the Queen refused it, because we had many more French than they had English prisoners in France; the exchange has been carryed on by man for man, and we have had all ours from France, and have still remaining here near 3,000 French prisoners, but because 'tis possible there may not be the same reason for the like method in your parts, it is left to your discretion to settle the exchange, either man for man and quality for quality, or all for all, as you find you have more or less prisoners than the French have, or may probably have, in the course of the war, and so as it shall be judged by you most advantageous for us. In every negotiation of this kind, you must be carefull not to suffer any diminution of H.M. Royal dignity, for perhaps the French there will not treat H.M. as Queen, since they have not done it here; and therefore if it be our interest to have an exchange of all for all, and to have it so settled from time to time, you must establish the cartel in your own name between you and the Governors with whom you agree: and if you shoulde have occasion to treate with any Spanish Governors you must be sure not to own the Duke of Anjou as heir of Spain, for the Archduke of Austria is by this time declared King of Spain etc. *as above*. *Signed*, Nottingham. [*C.O.* 5, 209. *pp.* 9, 10.]

Sept. 14. **1091.** Minutes of Council [*in Assembly*] of Barbados. Capt. Thomas Maycock, being sick when the rest of the Assembly were sworn, attended and took the oaths.

The General Assembly attended H.E. and presented William Holder for H.E. approbation, which he granted. H.E. addressed the Assembly:—The warr you are engaged in, the power and neighbourhood of your enemies require your utmost circumspection, and there is not anything can conduce so much to your safety as dispatch and vigour in your resolutions, and peace and union amongst yourselves. Your fortifications are defective, your Militia weak, and every day diminishing, your principall Magazine ill placed, ill-disposed and ill built, yourselves divided at home by animosities unhappily if not industriously fomented amongst you, and your enemies make preparations to

1703.

invade you. These do all demand an effectual and speedy remedy, and I must tell you, they will not admit of the usual and slow methods of your monthly meetings. The Queen, by a goodness peculiar to herself, has granted what all your supplications could never obtain from her predecessors; she has ordered the Duty and [*sic*] four and half per cent. to be applied to the public use for the safety of this Island, and lately by royal concessions made evident she has nothing more at her heart then the care and ease of all her subjects how distant soever. In what these shall fall short to repair and compleat your safety and defence, it will be incumbent upon you, Gentlemen of the Assembly, to make such provision as may be necessary for the carrying on of that work, and as I will never give my consent to the taxing of the people, but when it shall be manifest for the publick good, so I cannot doubt of the chearful concurrence of all when it shall be for the common security and benefit, the building of a dock and making a safe harbour for ships in the hurricane seasons, the paving and cleansing the streets in Bridgetown, and secureing it by an intrenchment from sudden inundations and insults, will give encouragement to trade and be a means to prevent that contagious distemper wch. so fatally and frequently rages amongst you; these may be accomplished with great advantage and small charge to the publick. The erecting or providing of fitt places for the Courts of Justice, public prison and for the meeting of the Council, General Assembly and residence of your Governor, and the appropriating of them to those uses deserves your care, as the neglect of this remains a reproach to those who have gone before you, so the doing of it now will be for your reputation, as well as for the dignity of your country. There is not any provision made for an house for my reception, that intended by the late Assembly H.M. late order does not allow me to accept. The dispatch of publick business requires my being near this Towne, and tho' a Plantation in the country would have been more for my health and interest, I have made choice of Pilgrim, no consideration of my own shall weigh with me when the publick is concerned, and I shall reap what I value most, if it gives me those occasions I intend it should of advanceing the common good. I recommend to you the speedy putting of it into a condition fitt to receive me. The country's brigantine is at present a growing charge without any advantage to you, and can never be useful unless you provide for the clearing the seamen's wages now greatly in arrear, and the making such an establishment as may assure them of their being duely and regularly paid hereafter. You will find it also beneficiall to fall upon some waies whereby seamen may be encouraged to come voluntary on board H.M. ships of war that are here for your security. It will quicken the service and prevent the disorders, delays and inconveniences that inevitably attend pressing. The clandestine running off of boats is very prejudicial to H.M. services and the public interest, unlawfully trade and commerce is thereby carried on, your negroes make their escape, and your enemies get intelligence; it is absolutely necessary that an end

1703.

be put to it by some strict and very effectual Law. The poor people and smaller sort of planters suffer very much from forestallers and ingrossers; the Laws now in being do not fitly provide against that evil; the riches as well as strength of all places depend on the number of inhabitants, and you will repent when it is too late, if by some timely care you do not give reliefe in this matter, as well as prevent better than it has yet done all ill usage and security towards Christian servants dureing their servitude, and find some encouragement for their continuance upon the Island, when there time is out. The Act concerning the detinue of negroes appears not to be well digested, tho' a matter of great consequence, instead of quieting there are contradictions in it which occasion disputes, and subject people to various and partiall determinations. The clamour of several persons to whom money is due upon account either of their services or the credit they have given the public, I cannot but take notice of, and there is not anything will redound more both to your owne and the country's honour and justice then their satisfaction and the preserving the public faith inviolable. In order to this it is necessary that the funds you give should answer the sums you give them for, that such approbations [*sic*] be made as may prevent their being diverted or delayed from the uses contended, and such frequent inspections by the Council of Accounts into the receipts and issues of the publick money as may be a cheque upon the persons intrusted with it. But all your endeavours will be fruitless unless the blessing of God attends them, that you may obtain it, apply yourselves seriously to the promoting of Religion and virtue and the suppressing of vice and impiety. I am sorry I have occasion to say so much upon this subject, but the immorality and profaneness openly committed with impunity, the ill examine (*sic*) given by persons, from whose education, character and trust better might be expected, makes it necessary that not only the Laws already in force be put in execution, but that more effectual ones be made. It will become you at the same time to find out the best means to facilitate and encourage the conversion of negroes and Indians to the Christian Faith, as this will be a work highly acceptable to God, so it must give great satisfaction to your consciences. To the end that these, and all things else which may be for your good be successively accomplished, that this Assembly may be brought to a happy period, and that the welfare of Barbados may be established on a lasting foundation, let harmony and unanimity be restored amongst you, let each House keep within those bounds your Constitution prescribes, let no invasion be made on H.M. prerogative, nor any drawn into example that may have heretofore been attempted, *etc.*

Mr. Speaker desired a copy of the above Speech in writing, which was granted him. Then he moved H.E. that one of the Members of this Board might be appointed to swear the officers of the Assembly, and they were accordingly sworn.

Charles Buckworth delivered to H.E. several recognizances he had taken persuant to H.E. order for the appearance of

1703.

Capt. Gilligan, William Andrews and Stephen Morris this day before H.E. and Council, they being charged with High Treason for corresponding and trading with H.M. enemies. H.E. and this Board having considered of the high charge against them, and for as much as there is no prison in this Island where criminalls may be safely kept, H.E. has thought fit by and with the advice of the Council to order that Gilligan doe enter into bond with two securities of 4,000*l.* sterl. each, [? *Andrews*] with two securities of 1,000*l.* sterl. each, and Morris with two securities of 500*l.* sterl. each for their appearances at the next Court of Oyer and Terminer, or if not, that they be committed.

The Speaker with the Assembly attending desired H.E. that the Hon. William Sharpe might lay before their house the original return of the writ and all manners and [*sic*] papers taken by him relating to the Election of Major Estwicke, which was ordered accordingly. [*C.O.* 31, 8. *pp.* 64–74.]

Sept. 14. **1092.** Journal of Assembly of Barbados. *See preceding abstract.*

William Rawlin was sworn Clerk of the Assembly, Nicholas Sayers his Deputy, and George Hooper, Marshall.

Resolved, that the House do not proceed on any business until the petition of Col. James Colleton relating to a contraverted election of Major Christopher Estwick, he having been sworn and sat in the House for choice of Speaker, be determined.

Ordered that they both appear at the next sitting with their evidences *etc.* [*C.O.* 31, 7. *pp.* 93–95.]

Sept. 14. **1093.** Minutes of Council in Assembly of Jamaica. Message sent down with the writs and returns for several parishes. H.E. also ordered the Clerk to acquaint the House that he has had a letter from Capt. Thomas Freeman by which he finds him unwilling to return to the House, he declaring that his health will not permit, so if the House will propose what method shall be used with him, he will give all assistance that lyes in his power.

Sept. 15. Noath De Launey was sworn a Member of Assembly for the parish of St. Catherines, in the room of Henry Brabant.

Message sent up from the House in writing presented by Hugh Totterdell and four others:—We are fully satisfied Capt. Freeman has deceived your Honour under pretence of sickness, wherefore as well as for his many contempts to this House and for his escape from the custody of their Messenger, the House have ordered that Mr. Speaker do issue out his warrant requiring the Provost Marshall and all H.M. officers and subjects to be aiding the Messenger of this House in executing the Speaker's warrant against the said Freeman, and do humbly desire your Honour to use your authority towards the execution of the said warrant, and for supporting the power of the Assembly.

Sept. 16. Message sent down from the Governor:—The Governor 'tis true did by his message to the House signify that he would assist with his power and authority to reduce Capt. Freeman to his duty, and still continues in the same intentions, but desires the House

1703.

to order a suspention of the warrant, till he can advise with the Council about it, he apprehending that warrant may not meet with such ready obedience as expected from the Marshall's Constables and others as coming from an authority unknown to them, and from which no president of a precept of that nature can be found, as he is well advised. And in the interim desires the House to proceed in other the matters of moment and importance lying before them, for as he will not offer the least infringement of your priviledges or liberties, but rather will assist to his utmost in maintaining them, so neither can he suffer the authority of the Government intrusted to him by her sacred Majesty to be wrested out of his hands.

Writ and return of the election of Charles Long for the parish of Clarendon sent down.

Message sent up: The warrant is not yet issued. The Assembly are heartily sorry that their authority should be unknowne to the Island, and humbly crave leave to assure your Honour that the House proceeded on sufficient presidents. *Quote* Journal of House of Commons, April 5 and 8, 1674. Whereby it appears that, though such warrant had been issued, the House have pursued their rights and previlidges, and noe more, without any designe or intent to lessen the authority of the Government, or to take any new power to themselves, but have and always will demeane themselves with all duty and zeal to H.M. and deference and respect to your Honour.

Message sent down that the Governor had received the above reply, and had ordered a full Council for Tuesday morning. [*C.O.* 140, 6. *pp.* 522–525.]

Sept. 15.
Boston.

1094. Governor Dudley to the Council of Trade and Plantations. My last Addresses to your Lordships were of Aug. 5: this I hope may arrive after so many letters that I have lost, five packets successively, from January to April, I am already advised of, which I am forst to adventure by merchant ships, there being no opportunity by any of H.M. ships returning hence. Since my treaty in July with the Sachems of the Eastern parts, and all the obligations taken from them of their obedience to H.M. and presents to the value of 300*l*., a small party of about 30 Frenchmen with only three officers and two preists from Port Royal with about 200 Cape Sable Indians, of whom I formerly wrote to your Lordships, came round the Bay of Fundee, and have debauched all the Eastern Coast from St. Croix to the Province of Main, and with the greatest perfidy and secrecy scattered themselves to the length of 100 miles and came with all possible friendship to the poor scattering houses distant from our forts, and all at once upon Aug. 10 fell upon the poor people, where themselves lodged over night, and killed and carryed away about 100 men, women and children; two days after they set upon the Forts at Cascobay, Saco and Wells, which are at 20 miles distant each on the Province of Mayn, where I had lodged three foot companyes, who received them so readily that we lost nothing there, scarce a man at each garrison, and at

Cascobay, which is the farthest, 200 miles from Boston, the Frenchmen began a Trench, and in three dayes ware got within a pike's length of their workes when H.M. *Province* galley with 70 men arrived from Boston and killed 40 of them, obliged them to burne all their plunders, to leave their dead behinde them and march away, since which for about 30 dayes I hear of them in small partyes, 5 or 10 stealing and killing cattle like the Rapparees of Ireland in several parts of the Province. This Breach has obliged me to raise 1,000 men, whereof 850 are for the land and 150 for the coasters, and 600 of them will be upon there march in 14 dayes from Casco for the head quarters of the Indians, who are in there forts at 150 miles distance from the sea, and 20 miles from each other, where we may possible destroy their corn and houses, but no likelihood of seeing them, who will have their scouts out, and march off as we approach them, and only wayt an opportunity, a whole fortnight's march, which we must be obliged to, to obtaine an advantage, in the hedious desart, to fire now and then upon us, however the experience of the best men that have at any time been here can advise to no better method then by constant marches, especialy in the winter to dislodge and starve them, and these men and about 10 sloops necessary to attend them, will put the Province according to the present establishment to 3,000*l*. a month, which has obliged me after I had raysed and marched the troopes to the several parts, to hold the Assembly, to acquaint them with the necessity of taking care to provide for this groing charge, who have very dutifully thankt me for the care of the peace of H.M. subjects' Colony, and of the war so early, and have chearfully undertaken the charge, and granted 11,500*l*. to be raised that the subsistance may not fail, and I hope in a winter's session about Christmas will further do their duty, and I think necessary to have the headquarter at Casco, and have therefore sent Col. Romer thither to reforme that Fort, to make it fitt to lodge 500 men. I did also communicate to this Assembly, who sat the first of this instant, H.M. gratious letters and commands refering to a standing settled sallary for the Governor etc., which they have prayed they may give answers to, when the Assembly is more full at their ordinary time of Sessions in the winter.

The French and Indians have in this occasion shewed a great deal of cowardice and cruelty, have not killed one man under his armes, but by surprize, have scarcely saved any women or children, but slayn many three dayes after they were prisoners, and the Fryers make it all religion, and say mass over everything publickly in the Camp night and morning. While this was doing, Brouillan, the Governor of Port Royal, sent to me for the exchange of 10 prisoners, and frindly sent me 3 of mine and a French Gentleman to offer the exchange, which I accepted, and sent home his ten men, and the French officer protested that his Governor knew nothing of this march of the Indians, which since by some of our prisoners we are assured was most falce. In this necessity and great charge, I have written in the most pressing manner to the Governors of Rhoad Island and

Conecticot for the advance of but 150 men between them, but can obtayn nothing, notwithstanding this Province do's wholly cover and secure them from danger. And I should be wanting in my duty if I should not acquaint your Lordships by every opportunity how the service is ruined by the Government of Rhoad Island. two of the privateers fitted out by the merchants of this town with ships, provisions and armes, brought in a Spanish prize worth 5,000*l*., coming up from the southward were obliged to touch at Rhoad Island, the men were presently debauched, and the Government countenancing of them, refused to leave the place or to suffer their prize to come to Boston, and there they embessel'd the one halfe of the goods. and Cranston, the Governor, refused the Collector and the Receiver on behalf of H.R.H. to have anything to do, and all the letters and messages that I could possible write and sende, could get no answer from them to anything, since which the saylors from hence run away by scores, and there are hidden and secured ; and last of all our imprest men for the land service in all the parts next them run away to the Island. and nothing returns from thence, so that of six privateers that did so much service last year, I am reduced to one, and when they are in the sea, I expect Rhoad Island will be their port also, all which would be remedid in one hour, if H.M. pleases. *Acknowledges* letter of April 20 and 29. In answer to the perticulars, have given strict charge to Judges of both the provinces, that they do proceed in all causes with exact Justice, and without any delay, and have had no perticular complaint of anything of that sort since my being here. There are no Courts in this province wherein the Governor has any share or power, but there are Judges on every bench, tho' I am humbly of opinion this Province will not be well until a Chancery Court be establish't wherein the Governor will properly preside. In the command refering to a Court for small causes, it is already a Law here and long practised, that every Justice of the Peace has cognisance of a trespass, a debt of 40*s*. without a Jury summarily to determine (and in every County an inferiour Court for any other sum), from whence there lyes an appeal to the Superior Court, and these Laws were allowed by his late Majesty, and on file in your Lordships' Office. I have commanded the Clerks of every County Court, Superior Court and the Admiralty Court at the ende of every Session to transmit into the Secretary's Office an abstract of all causes and matters depending with the names of the plaintiff, defendant, sum sued for, judgment, appeal, which I shall from time to time humbly lay before your Lordships. *Returns thanks for Representation on the state of the Province.* It is every day more apparent that nothing will proceed well here, till H.M. will please to name her owne Councill, the best men in the Province can have no share in the Civil Government till then.

H.M. having appointed Mr. Usher instead of Mr. Partridge Lieut. Gov. of New Hampshire is very acceptable to me, and I shall hope for his good service there upon his arrival. In the affair of the dimentions of timber, notwithstanding their offer,

1703.

there was never any relaxation made to the people for the cutting of larger timber then in the first orders from the Crown in King Charles II's time, and so that matter rests as it did, and shall be diligently performed by Plaisted, who is very carefull. I have sent H.M. gratious letter to New Hampshire refering to salaryes, and shall follow it about 10 dayes hence, when the Assembly shall sit, but can expect little from that very small Province. Mr. Usher not being arrived, I have not yet received H.M. commands relating to Mr. Allen's title, but shall strictly and carefully observe and persue them, when I shall receive them. In the Courts of New Hampshire for their impartial and speedy proceeding and for an account of causes I have given the same command as in this Province, and they shall be duely obeyed. I humbly thank your Lordships for the hopes I have of stores for both these provinces, and of ships of war. I have now here but the *Gosport*, which since the death of Capt. Crofts, is commanded by his Lieut., Capt. Smith, who is very carefull here, and at this time has put 40 men with an officer on board a sloop to cruise on the shoales after a French shallop that is looking for provisions for Port Royal, who are almost starved, having yet no supplyes from France, and if I might be honoured with the call of 3 or 4 of H.M. ships, 'twold certainly fall into our hands.

The Province of Mayn and the parts beyond Kenebeck River, Pemaquid, and as far as St. Croix would make better settlements then any in this Province, if a Scotch Collony might be setled there, the Fishing and Lumber and masting being more plenty and easy then in any part of America. And I'm humbly of opinion they will not be settled without some such new Collony, the English in these parts having already grasped more then they can plant or defend. There shall be nothing wanting to the utmost expence to save the Frontier here from depredations, but a very few of them passing easily over our waters and hedious swamp will distress us long, having all supplyes from Quebeck and Port Royal. I have directed Col. Romer at his return from Casco to meet me at Piscataqua to proceed in the reforming of that fortification, where they have raised 500*l*., and I shall proceed as fast in it as the trouble there will allow, they being every day alarm'd and disturbed if but two or three Indians appear. This is the third time the Act for 550*l*. raysed in New Hampshire which your Lordships so perticularly sent for has been covered to your Lordps. with Minute of Councill and large accounts. *Signed*. J. Dudley. *Endorsed*. Recd. Read Dec. 2, 1703, *and* Feb. 11, 170¾. 5 *pp*. *Enclosed*.

1094. i. Abstract of preceding. 2 *pp*.

1094. ii. Proclamation declaring the Pennicooke and Eastern Indians rebels and enemies (*see preceding* letter); "and to the intent that none of our neighbouring friend Indians may be exposed, or the enemy escape on pretence of being friends, I do hereby also strictly forbid any of the said friend Indians to move out of their respective Plantations *etc*., or to come into any English Town or District without special order in writing from myself" *etc.* *Signed*, J. Dudley. Boston. Aug. 18. *Endorsed*, Recd. Dec. 2, 1703. *Printed.* 1 *p.*

1094. iii. Proclamation, prohibiting trade with the French and Spaniards. Boston. Aug. 13, 1703. *Signed*, J. Dudley. *Endorsed as preceding. Printed.* 1 *p.* [*C.O.* 5, 863. *Nos.* 51, 51.i.–iii. ; *and* (*without enclosures*) 5, 911. *pp.* 190–202.]

Sept. 15. **1095.** Navy Board to Mr. Burchett. In answer to the commands received from the hon. Council to H.R.H. by your letter of 3rd inst., upon the extract of a letter from H.M. Envoy at Sweden about the difficultys of procureing pitch and tarr from that Kingdom, having already by our several letters acquainted their Honours from time to time of the progress of that affair, with relation to the supplies expected from thence this yeare, we doubt not but such measures will be taken as that the Navy will be supplied therewith in time one way or another, so as to prevent any disappointment or inconvenience thereto. As for New England, it is doubted sufficient quantityes of those commodities cannot be had in some yeares from thence, if at all, only some small experiments having yet been made thereof, and those on the public account at excessive charges. Nor has any more been done, that wee know of, as to other stores. *Refer to Report of Oct.* 26, 1702. If any persons would undertake to import Naval stores from the Plantations in quality and prices agreable to what they can be had for of others, wee should (as we always have been) be ready to treat and agree with them for the said goods, but wee do not think ourselves empowered to go further without orders, our Instructions not allowing us (as wee conceive) to increase the charge of the Navy to the Kingdom for the encouragement of the said Colonys and Plantations, though we continue of opinion that it would be of great service to the Nation to have our Naval Stores from thence, that soe other Nations may not [*be*] wholly depended on for 'em. But then if the charge will be encreas'd thereby, as wee presume it will, nobody having yet even offer'd to supply any stores from thence at the market prices, it must be done by Acts of State, and for the method, doubtless it is best for H.M. to be at a certainty, that is, to come to contracts beforehand for qualitys, quantitys, and rates, all other projects having hitherto failed of bringing anything but irregular accounts and exorbitant charges to the Crown. *Copy. Unsigned.* 2 *pp.* [*S.P. Naval.* 7. *Under date.*]

Sept. 16. Whitehall. **1096.** Journal of Council of Trade and Plantations. Act of Jamaica, declaring Kingston to be the chief seat of trade, and petitions against it, with Mr. Attorney General's report etc. read. And considering the great importance of that matter, referred to further deliberation at a full Board. (Three Commissioners only present.) [*C.O.* 391, 16. *pp.* 206, 207 ; *and* 391, 97. *pp.* 573, 574.]

1703.
Sept. 16. **1097.** Journal of Assembly of Jamaica. *See Minutes of Council in Assembly under date.*

Mr. Orgile and Mr. Vassall continuing to be absent, resolved that they be sent for in custody by the Speaker's warrant, which was done. Ordered that the Committee of Elections and Priviledges be revived, and that the breach of priviledge complained of by Mr. Thurgar be referred to it.

Resolved that the House do resolve itself into a Committee of the whole House to-morrow morning to inquire into the proceedings and behaviour of the Gentlemen lately expelled the House during this Assembly, and were ordered confinement to the Messenger's House.

Sept. 17. The Chairman of the Grand Committee reported that complaint being made that some ill-disposed persons had raised and malitiously spread abroad false reports of this House, that we were raising 5*s.* per head on negroes, and endeavoured other things to the prejudice and hurt of the country, and that Mr. James Archbold should say that wee had best to have a care, else wee should bring the country about our ears, and that Mr. Elbridge and Mr. Ayscough being at the Coffee-house door with several others, Mr. Elbridge asked Dr. Delauney what he thought of 4*s.* a head for negroes, and that Mr. Ayscough swore 'twas true, and that for want of passing a bill that would not have cost the country 18*d.*; That the Committee had resolved that direction be given to the several members to make enquiry who are the persons that raise and spread abroad the false reports relating to the Assembly, and report the authors of 'em to the House next Tuesday, and that the Governor should be addrest now in relation to the Members in custody. The House agreed to this Report, and ordered accordingly.

Andrew Orgile attending in custody, his excuses were admitted and he discharged on paying fees, 30*s.* each to the Clerk and Messenger.

Sept. 18. *See Minutes of Council in Assembly under date.* Odoardo Lewis and William Vassall, Members for St. Elizabeth's parish, informing the House that they were doubtful since the making the parish of Westmoreland whether they be capable to sit in the House or noe, and desiring the opinion of the House therein, Resolved that they are capable to sit notwithstanding the Act for dividing the parish of St. Elizabeth.

The Speaker reported that in reply to the Address of the House, the Governor was pleased to say that he was sorry there was so many divisions amongst you and wisht you were as careful in parting with your libertyes as he should [? *be*] in granting them; that he had given no countenance to anybody, and any Gentleman was free to converse with him that was an honest man. [*C.O.* 140, 7. *pp.* 112–117.]

Sept. 17. Philadelphia. **1098.** John Moore to the Council of Trade and Plantations. The Honble. Coll. Quary directed me in his absence to send your Lordships an account of all publick matters relating to the Queen's service, which I shall punctually observe, but am sorry

1703.

to begin with this. By a Dutch Privateer's sloope that came on Tuesday last into Sandyhooke we are informed the Spaniards and French (the number I cannot learn) had lately attacked the Bahama Islands, destroyed Providence, putting all the men to the sword, and designing to burn the women had not the humanity of one of the French officers interposed, the sloops brought off about 80 of the people (most women) with them, and in their passage took a Spanish ship about 150 tuns laden with cocoa and other valuable goods. I cannot get a more particular relation, the fact is too true, and like the former dealings of the enemy with that place, which the Spaniards have twice before (in time of peace) plunder'd, murdring a great many of the inhabitants, and they had this notion that those Islands were out of the Queen's protection and independant from ye Crown (one of the ill effects of Charters). I shall not presume to tell your Lordships of what import that place is, being by a better hand formerly laid before that Board. I hope this will induce your Lordships to be a meanes with the Queen to take that Government (and all the rest for they lye alike exposed) into her more immediate protection, nor can I believe the Proprietors so vain any longer to oppose it; the naked and defenceless posture of the Proprieties in general are unanswerable motives, were there no other. *Proximus ardet* etc. is the cry of the Maine, the Eastern parts feel it with a vengeance and (without something uncommon happens) wee may look for a melancholy story from the Southward. What concerns the revenue shall transmit to the Commissioners of the Customes. *Signed*, J. Moore. *Endorsed*, Recd. Read Dec. 10, 1703. 2 *pp.* [*C.O.* 5, 1262. *No.* 51; *and* 5, 1290. *pp.* 399–401.]

Sept. 18. **1099.** Minutes of Council in Assembly of Jamaica. The Assembly attending presented an Address to the Governor:—The House having received many indignities and gross unpardonable affronts from some of their Members, and upon due and mature consideration haveing in justice to ourselves expell'd those Gentlemen dureing this Assembly, whereby they are become incapable to serve soe long as it shall continue, notwithstanding which many of those Gentlemen by raiseing false reports and calumines [*sic*] against our House, and by insinuating and suggesting in their parishes that the Assembly intends to inslave the Island by loading the inhabitants with heavy taxes, and by other undue ways and means have procured themselves to be chosen, to the great hindrance of the public affairs and contrary to H.M. writs of election, we therefore in justice to former Assemblyes and to posterity can by noe meanes receive those Gentlemen, but must insist on our rights and previledges, which were (according to custom) granted to us at our first meeting by your Honour, wherefore we desire new writs for other elections and that those persons expelled, being still prisoners by our warrant, may in this affaire have noe countenance favour or assistance to enable them to lessen the authority of the Assembly, upon which in great measure the good of the Island

1703.

depends. But as the Blakness of their actions in all respects will render them odious to all good men, wee cannot doubt but that they will meet your Honour's resentments. The Assembly can believe none but themselves Judges of their owne previledges, nor ever heard that the Lords in Parliament or of the Council were Judges of the rights of the Commons. In many instances the authority of the Assembly has been lessened, their orders and warrants disobeyed and contemn'd, soe that under our present circumstances, wee can proceed to noe buissinesse without the assurance of your Honour's favour and assistance in maintaining our rights and previlidges, as you are our Governor and H.M. Representative, which in her great clemency is indulgent to her subjects, and tender of their rights at whose feet we humbly lay ourselves and our greivances for redress by thus applying ourselves to your Honour. [*C.O.* 140, 6. *pp.* 525, 526.]

[Sept. 19.] **1100.** Officers of Col. John Livesay's and Col. Thomas Handasyde's Regiments to H.M. At the time the said Regiments landed in Jamaica, the inhabitants considering the small value of our English pay in those parts of the world thought it absolutely necessary to allow quarters to the officers in the respective parishes where their companies were quartered, which continued till an Assembly was called by Col. Beckford, which thought fit to take away the officers' quarters, and in lieu thereof gave them an allowance in money, viz. to every officer under a field officer 25*s*. per week and 40*s*. per week to every field officer, which said Act was for 6 months and no longer, and expired March 15, 170$\frac{2}{3}$. Since which Col. Handasyd called another Assembly and put them in mind of the said Act, which was then just expiring, who after very near six months consideration thereupon (while in the meantime many of your said officers were under great hardships and necessities) at last have enacted a Bill, which wee presume is laid before your Majesty for your royal approbation, wherein they allow no more than 10*s*. a week to every Commission Officer without distinction between Col. and Ensign, whereas it hath been usuall formerly to allow 12*s*. 6*d*. per week to a private centinel quartered at Port Royall, and the centinells at Spanish Town 10*s*., it being impossible for them to live upon less with their pay. We therefore humbly throw ourselves at your Majesty's sacred feet, and begg leave to lay before your Majesty our wants and distress, assuring your Majesty at the same time that no misery or hardship can ever in the least diminish our zeale and faithfulness *etc*. From the annexed list of the rates of provisions and necessarys, your Majesty will perceive that one penny in Europe is more then six in these parts, and that it is impossible for us to subsist unless your Majesty will please to take our case into your gracious and princely consideration, the subsistence of most of us not being sufficient to pay our lodging and washing. *Signed*, Tho. Handasyd, Wm. Hopton, J. Bickerstaf, J. Livesay, Sm. Lovell, Ed. Baldwin. 1 *p*. *Enclosed*,

1100. i. List of prices in Jamaica. Butter per lb., 1*s*. 3*d*.; small ale per bottle, 2*s*. 6*d*.; Madera wine per bottle, 2*s.* 6*d.* ; bread, 1½lb., 7½*d.* ; Turkey, 10*s.* ; fowl, 3*s.* 6*d.* ; pair of shoes, 8*s.* 9*d.*, and all wearing apparel accordingly. Lodging, 15*s.* and 20*s.* per week ; washing, 10*s.* per year ; no ordinary under half a crowne ; the lowest species of money in this place being 7½*d.*, which is usually paid where a penny serves in England. These are the most ordinary and lowest rates, but oftentimes upon the want of shipping from Europe, rates *etc.* are double. *Endorsed*, Recd. Sept. 22, Read Oct. 5, 1703. ¾ *p.* *Subscribed on the petition.*

1100. ii. Order of Queen in Council. Bath, Sept. 19, 1703. Referring the above to the Council of Trade and Plantations, who are to make a speedy report thereupon to H.M., as also upon the Act lately transmitted from Jamaica for the better settling the Town of Kingston. *Signed*, William Blathwayt. [*C.O.* 137, 6. *Nos.* 5, 5.i., ii. ; *and* 138, 11. *pp.* 35-39.]

Sept. 20. **1101.** Journal of Assembly of Jamaica. The House met and adjourned.

Sept. 21. The Speaker informed the House that the Governor had commanded him to send up the last writts of Elections, which he had accordingly sent.

Sept. 22. *See Minutes of Council in Assembly under date.* [*C.O.* 140, 7. *pp.* 118, 119.]

Sept. 21. **1102.** Journal of Assembly of Barbados. Petition of Col. James Colleton read and dismissed, Darby Hannis and Peter Jones being decided to be qualified voters and Major Christopher Estwick therefore duly elected.

Resolved that this House will reply to the Governour's excellent speech the first thing in the morning.

And see Minutes of Council Sept. 14.

Sept. 22. Resolved that an Address of thanks be drawn up to H.E. for his weighty consideration of the good of this Island in his speech.

Resolved that the brigantine *Larke* be forthwith fitted out according to H.E. order and appointment, and that Capt. Townsend do provide all things necessary for her immediate sayleing.

Col. William Allumby appointed to the Committee of Accounts in place of William Heysham ; ordered that the Committee forthwith sitt in order to settle the accounts of the *Larke* and all other the accounts of this Island.

Committee appointed to inspect into the Act of the Militia and provide remedies against the mischiefs thereof, and report in a month's time.

Committee appointed to prepare an Act to prevent the running away with boats, and report within a month, and also to consider the Act for preventing negroes rowing in wherrys and report within a month's time.

Bill ordered to be prepared against forestallers and regrators.

1703.

Act for providing for Christian servants formerly brought into this House ordered to be new engrossed and brought in *de novo.*

Act for detinue of negroes referred to a Committee, to consider the inconveniencys thereof and provide proper remedys for settling the right of negroes, and bring in a Bill for that purpose in six weeks' time.

Resolved that the Treasurer allow a rebate of 10 p.c. per annum for prompt payment to any persons as shall pay in money that shall become due on the duty of excise not exceeding 300*l.* sterl., which is to be paid for workmen and materials in fitting up Mr. Pilgrim's house for H.E. reception.

Ordered that Lt. Coll. George Peers be continued Keeper of the Stores of the Magazine for the ensuing year under his former salary.

Committee appointed to inspect Thomas Reynoldson's accounts for keeping the French prisoners.

Leave granted to Col. Holder to bring in a Bill for regulating elections.

Ordered that the Act for the solemn affirmation by Quakers be brought into this House by the Clerk. [*C.O.* 31, 7. *pp.* 95–104.]

Sept. 21. **1103.** Minutes of Council in Assembly of Jamaica. The Governor communicated to the Board the Messages between him and the House Sept. 14–18. The Board unanimously approved of the Governor's answer Sept. 16, and gave their opinion that ought to be satisfactory to the House.

The Provost Marshall brought in the writt and returne for the parish of Westmoreland, whereby it appears that Michael Houldsworth and John Lewis were chosen Representatives.

The business of the Assembly's Address (Sept. 18) and the matter of new writs was debated and adjourned.

Sept. 22. The Board unanimously advised the Governor to return an answer to the Address of the House (Sept. 18) as follows:—That the freedom of elections is an inherent right in the people of England, none will deny, and the Parliaments (justly called the bullworks of the people's libertyes) have allways insisted upon it, where it hath been infringed, as the primary and most conducive meanes for securing the liberty of the subject, and as a thing without which they themselves could not be free from faction or corruption, of which late times will shew sufficient instances. The people of this Island, by the bounty and favour of H.M. and her predecessors, claime and have the same rights; they have again elected some of those Gentlemen mentioned in your Address to have been expelled, and there are frequent instances of such elections allow'd of. If those Gentlemen, or any of them, have used undue meanes to be elected, that is perticularly cognizable before you, and none doubts (on proof thereof) you may punish them. But it cannot be conceived, if due regard be had to the writ of election, that these Gentlemen were elected contrary thereto, for that part of the writ which mentions a Member to be chosen in the roome of such a one expelled is only a recital of the

1703.

request of the House. The requireing part of the writ follows in these words, "These are therefore to require you to make publication of this our will and pleasure in the said parish, to proceed there to an election of one of the fittest and discreetest freeholders to be chosen by the major part of the freeholders etc.," and accordingly the parishes pursuant to their wonted freedom in elections have again chosen some of those Gentlemen. Therefore the Governor hopes and once more earnestly and heartily recommends it to you that, laying aside all former animosities for the good of this Island and your posterity which may be therein, you will amicably and unanimously agree in carrying on the weighty matters before you, and that for the future noe contest be among you, but who shall be most hearty and diligent in promoting the honour of H.M. and general good of the country; in which you shall always find the Governor's ready concurrence. You may always rest assured of the Governor's utmost favour and assistance in maintaining your just rights, nor will he be wanting, as far as in him lyes, to redress your real grievances. In relation to your messages about Capt. Freeman, if the House had desired the Governor to issue out a proclamation or warrant to reduce him, he would have immediately done accordingly, and is still ready to doe it, but he cannot submit the Queen's authority intrusted to him to be subservient to the execution of the Speaker's warrant.

Writ of Election and return for Westmoreland sent down.

The Governor sent the Clerk of the Council to require the Minutes of the Assembly to be brought to him by to-morrow noon at farthest in order to send them by the packett. [*C.O.* 140, 6. *pp.* 527–530.]

Sept. 22. **1104.** Minutes of Council of Jamaica. Ordered that Col. Knight and Mr. Chaplin immediately hire a sloop and 20 men to go on the coast of Carthagena to take a prisoner for intelligence, and that they give them such instructions as they shall think proper. [*C.O.* 140, 6. *pp.* 177 *and* 190, 191.]

Sept. 23. **1105.** Journal of Assembly of Jamaica. Resolved, that the Body of the Laws be continued by a clause in the Revenue Bill.

Message sent up to the Governor desiring the Provost Marshall as Provost Marshall may attend this House when sent for. The Governor replied 'twas very well.

Sept. 24. The House met and adjourned.

Sept. 25. The Committee of Elections and Privileges having heard Mr. Thurgar, Mr. Fitzhew and the Provost Marshal relating to the serving of the execution against Col. Crew and Capt. Hudson, Members of this House, at Fitzhew's suite, are of the opinion that Thurgar may be discharged paying his fees. Ordered accordingly—the fees to be 3*l.* to the Clerk and 2*l.* to the Messenger. Ordered that the paper read in the House by Col. Crew lie on the Clerk's Table for consideration.

Ordered that the Chairman proceed on his reports of the amendments of the Quitrent Bill. [*C.O.* 140, 7. *pp.* 119–121.]

1703.
Sept. 24. **1106.** Minutes of Council in Assembly of New Hampshire. There not being a full Council the Lieut. Governor adjourned the Representatives till Sept. 28. [*C.O.* 5, 789. *p.* 335.]

Sept. 27. **1107.** Journal of Assembly of Jamaica. The House met and adjourned.

Sept. 28. The House met and adjourned.

Sept. 29. Message sent down that the Governor required a copy of the Minutes from the last time he had them to this day inclusive by to-morrow noone.

Ordered that the Speaker's warrant against Thomas Freeman, dated Sept. 15, be delivered to the Messenger, which was done. It being moved that Capt. John King, Commander of the parties against the rebellious negroes, having behaved himself extraordinary well and thereby been very serviceable to the country in killing and taking many of those negroes and burning and destroying their towns and houses, and by his great marches and lying out in the woods has much impaired his health, wherefore the House for his further encouragement and as a gratuity do make him a present of 100*l.*, to be paid out of the additional duty.

Ordered that a Bill be brought in to make the Cay, whereon H.M. Forts Charles and William stand, a port of entry of landing and shipping off goods.

Ordered that the 100*l.* paid to Mr. Gay as Clerk of the Assembly be reimbursed to the Commissioners out of the money which shall arise by the additional duty Act. [*C.O.* 140, 7. *pp.* 121, 122.]

Sept. 28.
Jamaica. **1108.** Capt. Lilly to Mr. Popple. Yours of March 23 last I received; I do assure you that there is nothing lyes in my power but what I shall endeavour to oblige their Lordships in. I have for the good of H.M. service now taken a very exact survey of the channell and avenues between Kingston and Port Royall, a true plan of which with the exact soundings I have by this post sent to the Master Generall of H.M. Ordnance; and this I have thought fitt to acquaint you with to the end that the Lords Commissioners may know where to have it in case they shall think fitt to look upon it. I shall only add this as to the channel that leads from Port Royall to Kingston, that there is room enough for ships to goe through being it is at least half a quarter of a mile broad in the narrowest place. There is also water enough for any ship, being there is at least seven fathom all along the mid-channell, and five or six near the sides of the shoals, and it is alltogether free from rocks or anything that can hurt a ship. Lastly it might be very easily secured by fortification against the attempt of an ennemy, for which the ground is very good and firm on both sides, and not above twenty inches or two foot water at most upon the shoal to the Eastward of it. *Signed*, Chr. Lilly. *Endorsed*, Recd. 23, Read Nov. 24, 1703. *Addressed. Sealed.* 1 *p.* [*C.O.* 137, 6. *No.* 6; *and* 138, 11. *pp.* 77, 78.]

1703.
Sept. 28. **1109.** Minutes of Council [*in Assembly*] of Barbados. 80*l.* sterl. paid to James Garsett, armorer at the Magazine, for two years' salary.

15*l.* paid to Edward Lyte, a mattross at St. James' Fort in St. Michael's Town, for one year's salary ending Jan. 14.

15*l.* paid to Henry Taylor, a mattross at St. James Fort in the Hole Towne, for one year's salary ending Jan. 17.

27*l.* 18*s.* 4*d.* paid to Isabella Sertaine, widow of Thomas Sertaine, for salary as mattross in the Hole Division for one year 10 months and 11 days.

15*l.* sterl. paid to Thomas Morgan at the Hole Fort for one year's salary ending Dec. 27, 1702.

30*l.* sterl. paid to John Chilcott, Mattross at the Hole Fort, for two years salary ending Feb. 6.

John Owen, formerly mattross at St. James Fort in the Hole Town, was ordered to receive another certificate for payment of his salary, having lost his previous order; and was paid 15*l.* for one year's salary, ending July 25, 1703, as a mattross at Queen's Fort.

On the petition of Capt. Phillip Kirton, Capt. Joseph Browne, and Capt. Thomas Maxwell, on behalf of the Vestry of Christ Church, complaining that considerable arrears are due from Col. Tobias Frere for parish dues, ordered that the parties be heard at the next sitting of Council. Petition of Capt. Manuel Gilligan read, setting forth it do's not appear that he was accused (of the crimes he stands committed) upon oath, and therefore praying to be discharged from his commitment, or that he may be sent a prisoner to England per the first opportunity. Ordered that the petition lie upon the table, and that Charles Buckworth, Judge of the Court of Vice-Admiralty, attend at the next sitting of Council with all papers and proceedings that anywise relate to it.

Petitions of Samuel Cox for money expended by him in the country's service *etc.* read. Mr. Cox was ordered to lay them before the Assembly. The Assembly attending, presented H.E. with an Address in answer to his Speech. The Speaker acquainted H.E. that their House had made choice of Col. George Peers to be store-keeper in the Magazine for the ensuing year, and prayed his allowance and approbation thereof. H.E. replied he would consider of that matter.

William Sharpe and Samuel Cox, Members of this Board, were added to the Committee of Publick Accounts. [*C.O.* 31, 8. *pp.* 74–77.]

Sept. 28. **1110.** Journal of Assembly of Barbados. The House presented an Address to H.E.:—Under a most grateful sense of H.M. gracious Favour in sending a person of your Excellency's birth, education and general good character to govern this Island, doe give your Excellency our hearty thanks for your prudent and most kind speech. We acknowledge the seasonable observation you made to us of the warr *etc.*, and confess dispatch and vigour in our resolutions, peace and union amongst ourselves are most indispensibly necessary, and declare our inclinations are zealous and promise wee will doe all that in us lyes to answer your Excellency's expectation in those points that are so essential to our well-being and preservation, and that all obstructions thereto may be quite removed, wee earnestly intreat you will not give any ear, much less adhere to the Councils of ill-disposed men, if any are offered to you, for in all ages and in all countrys there are generally such who, disregarding the welfare of their country and the honour of the Chief Magistrate, and only in consideration of their own private ends or being stirred up the enemys of the place they live in interpose their wicked advice, calumniating and maliciously defameing those men who both for disposition and capacity are intirely in the interest of their country, and wee have reason to suspect that there have been some indiscreet attempts of this nature upon your Excellency, and doubt not when you have made a narrow scrutiny into their drift, and have every way examined their ability, you will easily perceive the ill consequences of relying upon Councils of this nature, and wee do sincerely promise your Excellency that wee will to the utmost of our power concurr with and support your Excellency in the maintenance of the honour and dignity of H.M., the prosperity and welfare of this Island *etc.*, and do everything that in us lyes to make this Government both easy, pleasing and comfortable to you, and therefore question not but that you'll put confidence in us who by the Constitution of this Island have a legal call for such purpose, and are resolved to meet as often and sit as long as the public business requires and especially to consider the state of the fortification, militia and magazine. We do most heartily acknowledge H.M. strict justice and gracious condescension in granting that the duty of 4½ p.c. should be applied to the uses for which it was raised, which wee are very sensible could never be obtained from any of H.M. predecessors, the want of which was the reason that the Assemblys of this Island have not hitherto provided a residence for the Governour, fit places for the Courts of Justice, the meetings of the Council and General Assembly, and a publick prison. And to remove this reproach for the future, we shall readily fall upon such proper measures as may be necessary thereto, and in the meantime we have taken care to order that Pilgrim's may be putt in condition to receive your Excellency speedily, by which means, until some better provision can be made, the inhabitants of this Island may have access to you without being troublesome to private men, which inconveniency might have been avoided had it not been for the unfortunate animosities amongst us both at the time of your arrivall and before, which wee hope for the future will be remedied by your Excellency, the inconveniency you have thereby mett with being a specimen of the events which generally follows such differences. To this end we are ready to extinguish both private and publick piques, that with open arms we may embrace one another, and all concur like one man for the publick good, especially at so dangerous a juncture as this seems to be. And we are highly sensible of your Excellency's preferring the conveniency of the people by your choosing to be near the Town to your own private advantage and ease, which with that justice that is due to our Constituents wee shall as gratefully consider as any that have preceded us. Wee are also perfectly sensible the great benefitt a dock and harbour would be in hurryeane seasons and at other times both for H.M. and merchants ships, and shall readily encourage any proposition that can be made to effect the same. Wee shall also fall on suddain measures for clearing the streets of Bridge Town and prevent inundations there, the first of which being likely to increase the contagion, and the last a good security for the town and the trade thereof. We have also taken care that the country brigantine shall be speedily set to sea, and shall concur with any measures your Excellency shall propose to prevent any delay as hitherto have been for the future that the Island may reap some benefit from so great an expense, which two last are all that at the last session we could effect. We have had under our consideration the mischeivous consequences of the running off of boats and hope to bring that to an end the next session. The Negro Act as soon as may be shall be digested, that the difficultys and inconveniencys thereof may be removed. There have been several attempts made to prevent ingrossing and forestalling, but the difficultys that have intervened are still unremoved. Wee shall as soon as possible consider the same that all oppression of the poorer sort may be timely removed, and wee doe most heartily agree with your Excellency in the indispensible necessity not only in encouraging people to stay in this Island, and effectually discouraging the ill-usage of Christian servants, but that 'tis a matter of the last consequence to prevent their going off to the Leeward Islands and Northern Colonys, but also to make an Act to encourage merchants and others to import servants from Europe, and for this purpose wee are resolved to maintain the publick creditt and to discharge all lawful demands that the loss thereof may be suddenly retreived, and to this end we shall be very circumspect in our funds, and as we shall be always ready to raise such taxes as the people are able to bear, so we doubt not your Excellency will not endure any misapplication of them unless in cases of great extremity for the publick good, and as we shall never offer at the least thoughts that may encroach upon H.M. prerogative, so we hope the rights of the people will be kept in their proper bounds and intirely preserved, both which are absolutely necessary for the security of our Constitution. We doe unanimously concurr that a Government cannot expect to prosper where Virtue and Religion are not encouraged and propagated, and the vices of the people both corrected and restrained, and hope your Excellency will take care the Laws be putt in execution for such purposes, and we earnestly wish that the Clergy may be circumspect in their lives, their examples having generally more influence than their precepts, and we shall readily make the necessary steps that can be required from us in this our Province for the conversion of negroes and Indians.

H.E. replied that he would consider the above Address, and recommended the amendment of the Fortifications at Stanton's

1703.

Bay, the Yatcht and Fontabell, which he believed was necessary to be immediately putt in good order.

625*l*. 18*s*. 3*d*. paid to Capt. Kingston Townsend.

Capt. Thomas acquainted this House that H.E. ordered him to inform this House that he desired their consideration of placing the French prisoners in secure places and providing for their maintenance. This House recommended the Alms-house in St. Georges. Capt. Thomas generously proffered to provide for the French prisoners till the next sessions of this House with such provisions as this House shall order, on an order for his payment. Ordered accordingly, 6lb. of beef or fish per week and 4lb. of bisket to each prisoner.

Act for encouragement of white servants and to assert their allowance of cloaths and provisions read and ordered to be engrossed.

Mr. Reynoldson's accounts were passed.

Sept. 29. It was moved by a Member that, the Fortifications being out of repair and the Bill laying a duty on strong liquors near expiring, that the Assembly would consider of continuing the Excise by a new Bill to that purpose.

Charles Thomas was appointed Treasurer, and Robert Stillingfleet, Comptroller of Excise, and an Act for laying an imposition on wines and other strong liquors read the first time.

Several members, who appeared this day, being now absent without any sufficient reasons given for such their absence, the Members being 13 in number fined the absent members. [*C.O.* 31, 7. *pp*. 104–113.]

Sept. 28. Portsmouth. **1111.** Minutes of Council in Assembly of New Hampshire. H.E. Governor Dudley summoned the Representatives to attend, and acquainted them of the just and necessary war, and that care should be taken the people may not be oppressed in their service against the enemy; that Col. Romer was at the Fort ready to repair the same, having men sufficient sent thither to attend his orders, and that the species raised towards the payment should be immediately converted into mony to the best advantage; that the Treasurer's accounts be speedily adjusted in order to be sent to England; that they would consider of H.M. most gracious letter referring to sallarys for the Governor and Lieut. Governor; that H.M. had been gratiously pleased to send this Province 50 barrels of powder, stores, guns.

Sept. 29. The Governor informed the Board that he had lately received commands from the Council of Trade that no infringement be made upon the former orders referring to the dimention of timber saved for the service of the Crown, but that the Surveyors severally doe strictly pursue their Instructions in that matter, and that the Secretary give notice thereof accordingly.

The Council being sensible that the 500*l*. raised for the fortifying the Fort at Newcastle being paid into the Treasury in corne and graine of all sorts at high prices, if kept for sale will prove great loss to the Province, ordered that the Treasurer have the same at his own disposal and to his proper use, he paying the full value of 450*l*. according to the orders of Col. Romer or the Board in such species, provisions, materials and payments for the fortifying H.M. Fort at Newcastle at money price, or pay for the same where they shall be bought. [*C.O.* 5, 789. *pp.* 337, 338.]

Oct. 1. St. Jago de la Vega. **1112.** Minutes of Council of Jamaica. 300*l*. ordered to be paid to the parish of Vere in pursuance of Order of Oct. 26, 1702, etc. [*C.O.* 140, 6. *pp.* 177, 178; *and* 191.]

Oct. 1. **1113.** Minutes of Council in Assembly of Jamaica. The Governor communicated to the Board an Instruction about taking the oath of abjuration, whereupon the Clark of the Council was ordered to prepare a roll with the oath fair writt out to be taken and subscribed first by the Governor and the Council, and then to be recommended to the Assembly now sitting.

The House attending, the Speaker read their message to the Governor:—The House having duely and maturely weighed and considered your Honour's message of Sept. 22, in answer to our humble Address of Sept. 18, doe agree with your Honour that the freedome of elections is an inherent right of the people, and it is as true that when persons are elected it is the certain right of the Assembly to judge whether such persons be capable to sit. If persons disabled by infancy, want of freehold, or by any other meanes be elected, yet such persons cannot be received, and new writs ought to issue. The Gentlemen lately expelled were made incapable dureing this Assembly, soe that if the Assembly, as your Honour was pleased to intimate, injoy the rights, libertys, and privileges of the Commons of England, they ought to have other writts, for by many instances we find delinquents expell'd the House of Commons and disabled to be members dureing that Parliament, wherein such offence was committed, and sometimes of any future Parliament, as may be seen in that known case of Arthur Hall, Feb. 4, 1580, etc. *Other cases quoted* of Feb. 13, 1606, April 26, 1641, May, 1641. By which it plainly appears those Gentlemen expelled are justly made incapable during this Assembly, which is too small a punishment for their remonstrance and other their actions, and the House are fully resolved not to admitt such Gentlemen, who under their hands have positively declared that unless the House would acknowledge satisfaction on their Minutes for their pretended injurys, and chuse a new Speaker, they could not sitt with us, but must protest against our proceedings. The scope of our last Addresse was to have new writts that other persons might be elected in the room of those Gentlemen, in which we still persist, haveing had noe positive denyall as yet from your Honour. We assure your Honour that noe resentments or animositys have or shall take place amongst us, but all our proceedings are with a sinceer intent to serve H.M. and this Island, and to secure our libertys, rights and privileges to ourselves and to our posterity.

1703.
Oct. 2. Message sent up, desiring that a Joint-Committee be appointed to view the Forts, which was done. The House desired H.E.'s leave to adjourn till Tuisday next, the Sessions being to be held that day for these precincts, "as also the sale of negroes, and by that time we hope the Westmorland Members will be here."

The Council advised H.E. to return the following answer to the Address of the House presented yesterday:—I expected after soe satisfactory an answer to your last Address not to have another on the same subject soe surprizeing. I omitted taking notice of the black aspersions you cast upon the expelled Members, and the unlimited power you ascribe to yourselves in the latter clause, as the most conducive meanes to bring you to a calmer temper. In this Addresse you agree in the same privileges I allow in my answer to your former, but tell me the scope of it was another intention—I must confess I know not the meaning of the word (scope), but the English it seems to bear in the whole sence of your Addresse is, that you allow the people a right to elect, but would have them elect none but such as shall please you. The right of Elections as I apprehend is thus. The people are to chuse their particular Representatives. When those Representatives meet in the community of the whole, they subject themselves in common to private rules of the House, and those rules are obligatory to them as Representatives, and if they break through them, the House are judges of it. These Gentlemen you say have been transgressors, and you have proceeded to the last punishment, expulsion, and desired new writts which were granted. But then the choice returnes again into the originall the people; and the same Gentlemen they have chosen again, and yet you subject them to a compact made in a former election, whereas the people can make noe default in a free Election on their side, nor the Members elected into the House, but for the term of the same election. As to your presidents, if you can show none where the Members elected again were discarded for a fault made in a former election, they will determine nothing in this case (and there are presidents in England and in this country particular on their side). I must farther put you in mind that the expulsion of a single member in soe great a body as the Parliament of England is not to have the same weight with me as the expulsion and absence of a third of your whole Assembly (when some of the sitting Members are of the same opinion with those you keep out) and little less than halfe the settled part of this H.M. Island is destitute of due Representatives by this violent way of proceeding. For you verry well know this heat arose about the not re-enacting the Additional Duty Bill (which was for H.M. and the Island's service) the same day it was to expire, and that the cuntry on the like occasion once before lost the support of above 6,000*l*. in a few months' time. I have noe more to add but the same candid advice I have before given to take in your new chosen Members, who have both caracters and estates to entitle them to the right of H.M. writt and the people's choice, which if not complyed with I fear will create objections against the Lawes you are prepareing, before they come to my authority of consent. But if after nine months delayes, you mean noe more then protraction of time, I thinck I ought not, nor will I issue any more writts on this occasion. And I shall leave the blame and consequence of your delatory proceedings on your selves. I am sorry I must lay before H.M. an Addresse wherein two presidents are taken from a time soe fatall to her grandfather and detestable to the whole world.

The Assembly attending, H.E. delivered the above reply. He gave them leave to adjourn to Tuisday, and again recommended peace and unanimity to them, telling them wee have enemys enow round about us and need not foment and persist in diferances among ourselves. [*C.O.* 140, 6. *pp.* 531–537.]

Oct. 1. Portsmouth. **1114.** Minutes of Council and Assembly of New Hampshire. Present, H.E. Joseph Dudley *etc.* 8*l.* 7*s.* 5*d.* paid to Samuell Penhallow, Treasurer, for entertaining the Judge Advocate and King's Messenger.

Vote sent down for the encouragement of the Postmaster General in Boston.

Ordered that all payments out of the Treasury from time to time be made orderly according to the dates of the warrants, except in special cases, where the warrant shall direct the immediate payment. The Treasurer having this day past all his accounts for four yeares last past, being the whole time of his Treasurershipp, it being observed that the Orders of Council for payment of 41*l.* 10*s.* 2*d.*, unto several souldjers, and of 128*l.* 19*s.* 6*d.* for building the prison, and of 53*l.* 1*s.* for paying and receiving with other charges *etc.* are wanting, ordered that the Treasurer have warrants granted by the Secretary for his vouchers.

Ordered that for the future all wages that shall accrew due to the Captaine and souldjers at the Fort William and Mary be paid to the Captaine for the time being, and he to give a receipt for the same to the Treasurer, and the said Captaine to pay the souldjers.

Upon an adjustment of the account of the Fort William and Mary between Mr. Treasurer and the Captain, there appears to be due to the Captain for himself and souldjers to May 17, 30*l.* 7*s.* 4*d.*

Ordered that the Treasurer pay the same to Capt. John Hinkes.

Oct. 2. Committee appointed to inspect Treasurer's accounts.

2*l.* 18*s.* paid to Capt. Tuttles for scouting, and 10*s.* for himself.

Ordered that the Treasurer find provisions according to Law for the three French prisoners, and alsoe blanketts for them to lye upon. [*C.O.* 5, 789. *pp.* 341, 342.]

Oct. 1. Williamsburgh. **1115.** Minutes of Council of Virginia. Robt. Quary was sworn a Member of Council, taking the oaths appointed and subscribing the Test.

Col. Benjamin Harrison was granted leave of absence on the grounds of long and tedious sickness. Col. Philip Ludwell's absence excused upon account of indisposition.

1703.

Upon complaint of the Court of New Kent County, setting forth that an information having been presented to that Court by the Churchwardens of St Peter's parish against Elinor Dempsee, servant to John Lightfoot, notwithstanding the diligence of their Sheriff to apprehend her and bring her to justice, she was not to be found, and they fear is detained by said Lightfoot in contempt of their order; Ordered that a copy of the above complaint be sent to Lightfoot and that he make answer thereto at the next meeting of Council.

An information sworn to before H.E. by John Scott of New Kent County relating to two shoemakers belonging to the estate of Jno. Lyddal, decd., and detained by Col. John Lightfoot being read in Council, and H.E. having intimated to the Council that some time ago a petition was presented to him concerning that affair, wch. he referred to the said Col. Lightfoot for answer, and wch. he hath hitherto neglected to do, Ordered that a copy of the said information be sent to Col. Lightfoot for his answer, and that he also show cause why he hath not returned his answer as by H.E. he was required.

John Lynes of York County petitioning for a supersedeas to stop the execution of two judgments obtained against him in York County Court by Barrantine Howles, it is the opinion of the Council that there being no proceeding of York Court produced to verify the matter of fact laid down in the said petition, this Board cannot take any cognizance thereof, and therefore ordered that the said petition be rejected.

Joshua Norment petitioning that a supersedeas may issue to stop the proceedings in a sute brought against him in King and Queen Court by Saml. Cradock as guardian to Richard Philips, an infant, Ordered accordingly, petitioner giving security.

Upon the petition of Margaret Brisco, executrix of Evan Lewis, decd., complaining that Capt. Arnold, Commander of the *Angola* frigat, now in York River, detains the estate of deceased, he having been Cooper on board the said ship, Ordered that Capt. Arnold transmit to H.E. an answer with all speed.

Petition of Mrs. Napier in behalf of Robert Napier, her husband, referred to next General Court.

Upon consideration that there is no extraordinary business requiring the meeting of the General Assembly, Proclamation signed further proroguing it till Nov. 17.

Diverse of the ships designed for England under convoy of Capt. John Symonds not having completed their lading, and Capt. Symonds having therefore this day in Council condescended to stay till Oct. 15, ordered that the Collectors and Naval Officers have leave to clear all ships bound for England till Oct. 15.

The embargo formerly laid on ships bound to H.M. Plantations taken off, the apprehension of danger for wch. the embargo was laid being now removed by the season of the year.

Whereas information is given to this Board that there is in the hands of Joseph Chermesson 40*l*. sterl. which hath been remitted by my Lord of London's order for Mr. de Joux, late minister at Manican Town, his pension, Ordered that Mr. Chermeson

1703.

appear before H.E. and the Council on the fourth day of next October General Court, and that in the meantime he take care to keep the said money in his hands.

H.E. signed several Commissions of the Peace, and dedimuses for swearing the respective officers. [*C.O.* 5, 1412. *pp.* 102–105.]

Oct. 4. St. John's, Newfoundland. **1116.** Lieut. Lloyd to the Council of Trade and Plantations. Capt. Mich. Richards, that lately commanded this H.M. Fortifications, left this place 17 Sep., and returned for England with Admiral Graydon and left me in charge (being the next Commanding Officer) with the said Fortifications and the command of the Company of Soldiers in this Garrison, which are to the number of eighty private men, three Serjeants, three Corporalls and two Drumms, since which the *Burford* and *Defiance* (the latter being distressed) came into this Port. On Sep. 26 came to us from the French of Placentia two French deserters with the inclosed information, which tho' it put all the inhabitants into great consternation, yet it does not in the least dismay me, for I shall think myself happy to be capable to hazard my life for H.M. service in the defence of this place. But with submission, considering the number of soldiers for want of their cloaths and are very much discontented, as both Capt. Richards and Admiral Graydon before they left this place can testify, and since have bin very outragious, that it has greatly discouraged the inhabitants, but for fear the Service should suffer, I have supplyed them with necessarys till the supply arrives, there being no provisions for them but what I supply on my own account. The same night Admiral Graydon's sloop *Tryal* came in here, and returned to the Admiral at sea next morning, by which I sent the two French deserters, if possible, that the Admiral should use some means for our security, but suppose that he was blown off the coast, having heard nothing since from him. The inhabitants of this place, because the Commander of H.M. Fortifications having noe power or authority over them, cannot bring them together, which if could be done would make from all the out Ports round about us to the number of 800 or 1,000 men. Therefore I humbly thought fit to lay the state of this place before your Lordships, that some speedy care may be taken as your Lordships shall think fit to prevent the inevitable danger that threatens this place from falling in the enemy's hands. *Signed*, Tho. Lloyd. *Endorsed*, Recd. 23rd, Read Oct. 25, 1703. *Holograph.* 2 *pp.* *Enclosed*,

1116. i. Abstract of preceding. 1¼ *pp.*

1116. ii. Examination of Laville and Belrose. *Duplicate of* Oct 25. *No.* 1. [*C.O.* 194, 3. *Nos.* 1, 1.i., ii.; *and* (*without enclosures*) 195, 3. *pp.* 249–251.]

Oct. 4. **1117.** Minutes of Council [*in Assembly*] of Bermuda. The Assembly were called, and nominated Col. Francis Jones Speaker, which H.E. approved. He took the oaths. Samuel Sherlock and Capt. Daniel Johnson were sworn members of Assembly, and they administered the oaths to the rest of the Assembly.

1703.

Upon reading the petition of Mrs. Martha Johnstown, referred to this day, and H.M. Order, it is now upon some reasons referred to the next Court of Chancery.

H.E. acquainted the Assembly with a letter and directions he had received from H.M. and the Lords of the Plantations about making here an indefinite Act for the raising of monies for the support of these Islands, and about the Liquor tax lately made in Col. Day's Government. [*C.O.* 40, 2. *p.* 56.]

Oct. 4. Annapolis. **1118.** Minutes of Council of Maryland. Petition of Joseph Holt to be restored to his ministerial function [*see* Aug. 13] read, and the Address of the Vestry of William and Mary parish on his behalf, as likewise a petition of the Religious Society of William and Mary parish signed by Adam Bele and Samuel Gresly, who call them[*selves* ?] stewards of that Society, and say all unanimously consented. This matter having been already referred to the consideration of H.E. Col. Seymour, who is dayly expected, this Board do not think fit to alter what has been already done therein.

Petition of the Justices of the Provincial Court, on behalf of the Justices of St. Mary's County Court, against whom information is exhibited for levying more tobacco on the inhabitants than by law they were impowered, the said petition referr'd to the said Justices to use their discretion therein.

Joseph Baker's petition read praying the remittance of a fine for not attending as a juror of the Provincial Court. It appearing that he was never summoned by the Sheriff of Calvert County, but unduely returned, his fine is remitted.

Petition of George Plater and George Muschamp, praying that, whereas the(*y*) are not payd their respective sallarys of 100*l.* per annum as H.M. Receivers of Fines for several years, and forasmuch as upon the sugar prize, lately brought in by Capt. Moore, there will be sufficient of H.M. share thereof in Mr. Plater's hands to pay them, this Board will order the same. In answer, the Board do not believe it to be in their power to dispose of any part thereof, but orders the same to be secured for H.M. use, and advise the petitioners to make application to H.M. for her royal favour therein on their behalfs.

Ordered, that George Plater, in whose hands H.M. share of the prize is, pay unto the Judge Advocate, Register and Marshall of the Court of Vice-Admiralty their fees due for the Queen's moyety upon condemnation of the said prize.

Ordered that a Commission be prepared for Major Wm. Harris to be Col. of Cecil County, Col. John Thompson and Lt. Col. Hans Hanson being both dead, and that the said Col. Harris take care to call for and secure all the publique arms in that county.

Ordered that four quarter barrils of powder be sent to Col. Harris for the service of that County. [*C.O.* 5, 745. *pp.* 40, 41.]

Oct. 5. Jamaica. **1119.** Lt. Gov. Handasyd to the Council of Trade and Plantations. I am to own the receit of your Lordships' of July 28 as also a duplicate of May 17, and one of June 18 with H.M.

1703.

Instructions enclosed, which I shall use my utmost endeavours to observe. I hope before this your Lordships have received mine of July 18, as also of Aug. 27 sent by the Pacquet-boats, which I believe will give you a satisfactory acct. of what has hapned here since my last. Your Lordships will see by the Minutes of the Councill and Assembly their dilatory way of proceedings, and the divisions that are amongst us, and I hope the Minutes of the Councill will convince your Lordships what pains the Councill and I have taken to make them sensible of their errours, but now the division seems to be more than ever amongst themselves, not valueing what becomes of the publick if they can have but their own private revenge. In my opinion the plain English of it seems they'l do no right nor take no wrong, severall of them being very much in debt endeavour to keep a continuall sessions or bring martiall law in force to evade their creditors, neither of which I hope will take effect. The Island has been attended with great sickness these three months past which has proved very fatal and more particularly in Kingston where there has a 170 odd died. We have a dismall account of great losses of the Merchant shipps by the Privateers of Martinico, which as I am informed are 28 in number and have taken 70 odd sail of ships and sloops, some of them laden with negroes, which are of very great value. Here are brought into this harbour by one of our Privateers six sloops belonging to the Dutch and Danes, tradeing on the Spanish coast, which are condemned by the Prize Office, as also four French and Spanish by Captain Douglass, and one sloop by a Letter of Mart man from London, which five are now on their tryall, the account of which tryalls when over I shall remitt to your Lordships. Here are also come into Port four Guinea ships with 1,300 and odd negroe slaves. Our number of slaves augment dayly, but to my great grief the number of white men dayly decrease. At my first comeing to the Government, I did compute by the Rolls that the Island had 4,500 men, but cannot find now above half (the two Regiments in H.M. pay excepted, and what are at sea). I am importuned here by the Officers of the Militia to order the storekeepers to give them compleat arms out of the stores all of one bore both for the Horse and Foot, which no doubt would be very advantagious to them and I beleive for the good of H.M. service; as to the payment of them they only proffer to give notes under their hands to return them into the stores or pay for what are lost upon demand, which I thinke I cannot be safe in without I have your directions, and as I am informed they are in a very bad condition, the smiths and other artificers which were to have taken care of them being most of them dead and sick. I have taken up here a prisoner who is now in goal and goes by the name of Moor, but by what I can learn his right name is Mildmay and supposed to be one of them concerned in the horid conspiracy against his late Majesty King William. Here is also an Irish Popish Priest, which I have taken in the country, and shall send him home by the first Man of War. He goes by the name of Coffee, he says he was taken in a French ship, before

1703.

I was concerned in the Government, and sett on shoar by some of the Men of Warr, and has been here ever since. Our four Men of War that are here are but very ill man'd, altho' they have the fifth man of every ship and sloop that comes into the Harbour, besides three hundred soldiers aboard of them, which if they had not they were not able to sail their ships, so that I hope your Lordships will find a method that there may be sailors sent to supply the ships. As to the Oaths appointed in H.M. Instructions in relation to the succession of the Crown in the Protestant line, I shall take particular care that every one here that continues in publick trust shall be obliged to take them. I have ordered Captain Lilly to send your Lordships by this Packet a draught of the Harbour from Port Royal to Kingston, as also of the places fitt to be fortified for its defence. Since my last we have had a small shake, but it has done no damage. I herewith send your Lordships the duplicates of the last four publick Acts remitted to your Lordships, as also the Minutes of the Councill and Assembly since my last. The fire of Port Royal haveing destroyed most of the parchment and paper which was fitt for Acts, and for the Minutes of the Councill and Assembly, and there being no such thing now to be had in the Island, I beg your Lordships would order a Rim (*ream*) of royall paper and some rolls of parchment per next Packet-boat, that such a trifle may not be the occasion of any delay in the publick business. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 18th, Read Nov. 19, 1703. *Addressed. Sealed.* 1¾ *pp. Enclosed*,

1119. i. Abstract of preceding. 3 *pp.*

1119. ii. Memorandum of Minutes of Council of Jamaica, Sept. 21, 22, 1703. ½ *p.*

1119. iii. Memorandum of Minutes of Council in Assembly of Jamaica, Aug. 5—Sept. 29, 1703. ½ *p.*

1119. iv. Memorandum of Minutes of Council in Assembly of Jamaica, Oct. 1 and 2, 1703. ½ *p.*

1119. v. Memorandum of Journal of Assembly, Aug. 26–Sept. 30, 1703. ½ *p.* [*C.O.* 137, 6. *Nos.* 7, 7.i.–v.; *and* (*without enclosures*) 138, 11. *pp.* 69–75; *and* (*abstract only*) 137, 41. *pp.* 17–19.]

Oct. 5. Whitehall. **1120.** Journal of Council of Trade and Plantations. Petition of the Officers at Jamaica read, and referred to be considered at a full Board. [*C.O.* 391, 16. *p.* 208; *and* 391, 97. *p.* 577.]

Oct. 5. **1121.** Minutes of Council [*in Assembly*] of Barbados. Capt. Manuell Manasses Gilligan, attending in custody, said he had nothing further to offer than what he had laid down in his petition, but owned that he had traded, as he was charged, with the French and Spaniards, since this present warr, and that hee doubted not but that hee was well warranted for his soe doing, and also owned that he was born in Ireland and a subject of the Queen of England.

H.E. ordered the Attorney and Solicitor General to report their opinions to-morrow morning, whether the matters Petitioner

1703.

stands charged with amounte to High Treason, or what other crimes, and in case it does not amount to High Treason, how he shall be charged and secured, and how to be proceeded against, and whether the commitment ought to be superseded, with their reasons for the same.

Petition of Thomas Maxwell, jr., Philipp Kirton and Joseph Brown, on behalf of themselves and others, vestrymen of Christchurch, read, setting forth that the Honble. Tobias Frere was in arrears of seven years for assessments and levyes upon his lands there, amounting to 220*l*. currt. money, which he refused to pay *etc.* Both sides were heard, and before H.E. had given any opinion thereon, Frere alledged that it being an original action, it was not determinable before H.E. and this Board, and therefore he would not abide by any judgment they should make thereon, but would have it tried elsewhere, whereupon H.E. dismissed the petition.

The Assembly attending, complained that Capt. William Mill had used very abusive words reflecting on several of the Members of their House, and prayed H.E. to appoint some persons to take examinations in the premisses, whereupon he appointed Major Christopher Estwick and Major Thomas, jr.

The Speaker acquainted H.E. that there was a petition preferred to set aside the election for the parish of St. Andrews, and that they had for that reason adjourned to this day sevennight.

Oct. 6. The Attorney and Solicitor General presented their opinion upon the case of Gilligan, that the matters charged did not amount to High Treason for that the Act of 3 and 4 William and Mary was but a temporary Act during the late war, and that therefore it was reasonable and necessary that a supersedeas do issue from H.E. and Council to take off the commitment of Gilligan, made by Order of Council Sept. 14, for High Treason, there being no subsequent Act in this Island. But that Gilligan ought to be proceeded against in a Court of Oyer and Terminer for high crimes and misdemeanours for trading during this present war with H.M. enemies, and that he give reasonable security to answer the same, or on refusal be committed, and that a true state of his case ought forthwith to be transmitted to H.M. " But how far the paper from John Lawrence, Governor for His Majesty of Denmark and Norway and Factor to the Royal West India Company in Guinea upon the Island of St. Thomas, under the seal of that Government, may differ the case, we are not able to report " *etc.* *Signed*, E. Chilton, Wm. Rawlin. Evidence was given that the mittimus, on which Capt. Gilligan was committed, was drawn according to Law. Then H.E. ordered the Judge of the Vice-Admiralty, the Attorney and Solicitor General to prepare an exact state of the case, to be transmitted to H.M. [*C.O.* 31, 8. *pp.* 118–122.]

Oct. 5. **1122.** Journal of Assembly of Barbados. Petition of Robert Yeomans read, setting forth that the last writ for electing Representatives for the parish of St. Andrews was directed to Samuel Berresford, minister, which petitioner conceives was

1703.

contrary to a Law of this Island, for Thomas Merrick, a Member of Council, then lived in said parish. Whereupon ordered that petitioner be heard at the next sitting.

Ordered that for the future no petition for a controverted election shall be received unless the same be presented to the House or left in the hands of the Clerk of the Assembly at the next sitting after their first convention at the farthest, or left with the Clerk at or before their next sitting after their first convention on the return of the original writs; but in case such election shall happen to be controverted, then the petition complaining thereof shall be presented at the second sitting of the Assembly at farthest after the return of the writ on such new election.

See preceding abstract under date. [*C.O.* 31, 7. *pp.* 113–115.]

Oct. 5. **1123.** Minutes of Council in Assembly of Jamaica. The Assembly, by reason of the badness of the weather not meeting soe many as to make a quorum, were prorogued to the 7th by proclamation. [*C.O.* 140, 6. *p.* 539; *and* 557.]

Oct. 6. Jamaica. **1124.** Lt. Gov. Handasyd to the Council of Trade and Plantations. Since the closing of my Pacquet to your Lordships, I have received the enclosed papers from the Judges of the Admiralty Court relating to the private trade carried on by the Dutch and others in these parts which I have sent over to your Lordships for your perusall, when all the prizes are condemned I will send your Lordships their tryalls over. The Assembly being adjourned from the 3d to the 5th instant October, and there having such violent rains fallen, and storms hapned in the interim, that it was morally impossible for them to make a House, for which reason upon application from the Speaker and what Members were in town I prorogued them two days, vizt. to the 7th, in hopes it may be a means to introduce the excluded Members, and bring them to an unanimity, which will not onely very much tend to H.M. service, but their own, which shall be my endeavour allways to promote to the utmost of my power. The Packet boat has been obliged to stay here some days beyond her time by reason of an accidentall misfortune that happen'd to her mainmast, which I have nothing to say to, for I assure your Lordships none of them ever stay'd thro' my meanes a minute. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 18th, Read Nov. 19, 1703. *Addressed.* *Sealed.* 1 *p.* *Enclosed*,

1124. i. Minutes of the Admiralty Court, Kingston, Oct. 5, 1703. The Hon. Joseph Sergeant and Thomas Nicholls, Commissioners. Ordered that the Registrar prepare a particular account of what vessels have been brought in tryall before this Court since the present warr, in order to be sent home pursuant to H.M. Instructions. *Copy.* 1 *p.*

1124. ii. Peter Smith to [? M. Brian, the *Director of the Assiento at St. Domingo*]. St. Thomas, Sept. 14, 1703. Negotiations

1703.

for carrying on illegal trade in negroes. *Signed*, P. Smith. *Endorsed*, Recd. 18th, Read Nov. 19, 1703. *French.* 3½ *pp.*

1124. iii. Peter Smith to [? M. Brian]. St. Thomas, Sept., 1703. Further negotiations concerning the sale of negroes. *Signed*, P. Smith. *French.* 3 *pp.*

1124. iv. Peter Smith to Isaac [? *Jacques*] Neain. Instructions to dispose of his ship's cargo to M. Brian and M. Collet the Governor of St. Louis. *Signed*, P. Smith. Sept. 18, 1703. *French.* 3 *pp.*

1124. v. Peter Smith to M. Collet, Governor of St. Louis. Sept., 1703. Referring to above cargo of grain etc. *Signed*, P. Smith. *Copy. French.* 2 *pp.*

1124. vi. Peter Smith to M. Seguinard, Captain of the Port of St. Louis. Recommending the master of his ship, Jacques Neain (*see No.* iv.). *Signed*, P. Smith. *Addressed. French.* 1½ *pp.* [*C.O.* 137, 6. *Nos.* 8, 8.i.–vi.; *and* (*without enclosures*) 138, 11. *pp.* 75–77.]

Oct. 6. **1125.** Minutes of Council and Assembly of New Hampshire. *Present*, H.E. Joseph Dudley *etc.* Upon petition of William Bevis, Commander of the *Peace*, for an abatement of powder-money, ordered that he have his clearing to the Fort, paying 26*lb.* of powder.

Thomas Packer's debenter amounting to 10*l.* 10*s.* read; he was allowed 9*l.* 6*s.* in full for entertaining Major General Povey. 12*l.* 7*s.* 6*d.* paid to Robert Elliott.

The Treasurer's accounts for four years to July, 1703, passed.

The Representatives sent up a vote that, having considered of H.M. most gracious letter of April 20, 1703, they unanimously agreed that there be paid to H.E. Joseph Dudley a sallary during the time of his Government over this Province, and not otherwise, the year to begin from Nov. 1st next, and to be paid 160*l.* out of the Impost or other publick taxes raised in this Province and that the Treasurer or Receiver shall have but 6*d.* in the pound for receiving and paying the same. The Council unanimously agreed to this vote, but see not meet to alter the Treasurer's fees.

Vote sent up by the Representatives relating to the regulating of several officers' fees of entring and clearing of vessels as upon file was read.

29*l.* 6*s.* 7*d.* paid to Samuel Penhallows, and his Powder account approved.

An Act relating to the Inhabitants of the Province doeing military service in equal proportion, and for raising money for a stock of provisions to be in each town ready for such souldjers as shall march forth against the enemy, being three times read at this Board and past by the House of Representatives, was assented to by H.E. [*C.O.* 5, 789. *pp.* 345, 346.]

Oct. 7. **1126.** Governor Lord Cornbury to the Council of Trade and Plantations. In my letter to your Lordships of Sep. 9 I

1703.

took the liberty to acquaint you that I had appointed three Commissioners to meet my Lady Bellomont's Agents here to see if they could adjust her Ladyshipp's accounts, which to me seemed not to be soe fair as I could have wished, those Gentlemen have met my Lady's Agents during my being at Albany three times, and would have met them oftner, but the persons appointed by my Lady Bellomont refuse to account any further than according to the account sent to them, as it is stated by Mr. Champanté, which I cannot allow to be a fair account, because Mr. Champanté accounts for no more than what he says he has received, but he dos not produce any account from the Paymaster General's Office to vouch the truth of his receits, so that the only way that (I conceive) remains for us to state my Lady Bellomont's accounts, is for us to make a charge of the full pay due to the four Company's here, during the time of my Lord Bellomont's Administration, and that my Lady's Agents should discharge that charge, by proper vouchers, in order to the doing this, at the last meeting of my Lady's Agents and the persons I have appointed to state the account with them in my absence, the persons I had appointed delivered a charge to my Lady's Agents, amounting to 31,898*l.* 11*s.* 8*d.* New York money, which makes up the full pay of the four Companys here according to the several Establishments, the Gentlemen appointed by my Lady Bellomont did not think fit to proceed upon that charge, but insisted upon the account sent over to them by my Lady wherein her Ladyship is made debtor for 10,062*l.* 15*s.* 6¼*d.* only, and no account from the Office to shew where the officers and souldiers must aply for the remaining part of the first summe abovementioned, besides in the account sent over by my Lady to her agents (which is exactly the same which was sent to me by Mr. Lowndes) there is no notice taken of the 30 per cent., which was appropriated by the late King for the payment of the Staff Officers, and for the repairing the fortifications ; Now I must inform your Lordships that during my Lord Bellomont's time, very little has been paid to the Staff Officers, and nothing at all to the repairs of the fortifications, though they stood very much in need of being repaired ; I am lately informed that my Lady Bellomont does intend to beg of the Queen the 30 per cent. which will much alleviate the demand upon my Lady, now as I shall never pretend to oppose any favour H.M. may be pleased to extend to that Lady, soe I think I should be much wanting in my duty to the Queen if I should not inform your Lordships of the truth, which is thus, if the Queen is pleased to grant to my Lady Bellomont the whole 30 per cent., during all the time of my Lord's administration, then the Staff Officers who have lived here upon credit a great while, must expect to go to prison unlesse the Queen is pleased to order some other fund for the payment of the arrears due to them, as for the overplus of the 30 per cent. which ought to have been applyed to the repairing of the fortifications, I shall submit to your Lordships' opinions, what ought to be done with that, only I must say that if that money had been rightly apply'd, this Fort had not been in that miserable condition

I found it. I came to this place from Albany this day and finding a ship ready to sail towards Virginia, in hopes to come time enough for the convoy, I thought myself obliged to give you this account. I do intend to-morrow to send for my Lady Bellomont's Agents to know if they will proceed upon the accounts or not, if not, I will by the first conveyance acquaint your Lordships with it, and send you an account stated as I think it ought to be, and submit it to your better judgments. I take the liberty to acquaint you that I have met the Indians at Albany, and I hope I have fixed them at least for this winter, I will by the next conveyance send your Lordships a full account of what passed between us. *Signed*, Cornbury. *Endorsed*, Recd. Dec. 15, 1703, Read Feb. 22, 170¾. *Holograph.* 3 *pp.* [*C.O.* 5, 1048. *No.* 67 ; *and* 5, 1120. *pp.* 78–82.]

Oct. 7. **1127.** Journal of Assembly of Jamaica. The House having met, acquainted H.E., and desired that Michael Houldsworth be sworn.

Oct. 8. Rules of the House agreed upon;—21 to be a quorum, and 17 a quorum to call and adjourn the House and send for and punish absent members and not to proceed to other business. Such of the Assembly as shall be appointed to propose what the House has to offer to the Governor and Council, shall not refuse. The Assembly always at rising to adjourn from time to time as they shall see it to be convenient for the speedy dispatch of affairs: none to depart the House without the Speaker's leave upon any pretence whatsoever. Every Bill before it pass to be read three times after all amendments, and if there be any amendments from the Council, then only the amendments shall be read three times. That no man speak above twice at one adjournment to the same debate without leave from the Speaker etc. The Speaker and Assembly have power to imprison such of their Members as shall misbehave themselves, that all may be governed by order and descency. The Minuits to be entered fair in a Book apart and compared every morning, and that both the Books remain in the hands of the Speaker for the time being *etc. etc.*

Committee of Election and priviledges, and of grievances appointed, and a Committee to inspect the Minuits of the former Assemblys and put 'em in order, and report their proceedings to the House. Also a Committee to inspect the entry of the Minuits of this Session, and see they are fairly entered. *And see Minutes of Council in Assembly under date.*

Oct. 9. *See Minutes of Council in Assembly under date.*

Ordered that the Clerk copy the Minutes to be delivered to the Governor every night.

Ordered that the Clerk write to all the absent Members to attend the service of the House Monday morning next at 7.

Committees appointed to prepare and bring in several Bills. [*C.O.* 140, 7. *pp.* 123–126.]

Oct. 8. **1128.** Vice-Admiral Graydon to the Earl of Nottingham. I gott to Madera April 16, where we watered, from whence I

1703.

sayled on the 13th, and arrived at Barbadoes, May 12th. I mett there with a brigantine lately come from Guardelaloupe, and the Commander of her told me that the Army and ships were at halfe allowance of provisions. Upon which I applyed myselfe to the Agent Victualler there, who supplyed me with Beefe, Porke, Bread and pease to the vallue of 1,310*l*. of that country money, which I putt on board the shipps with all the hast imaginable and sayled thence the 17th. The 20th I sayled close by the Fort and Towne of Guardelaloupe, which I saw was ruined, and stretched away for Antegoa, where I mett with the sloop, which I had sent thither from Barbadoes to give them notice of my arrivall. The 22nd I anchored at Antegoa and sent to the Governour to supply me with some bread that I heard was to be sold in that place, who being sickly sent me back a peevish answer that he could gett none. The same day I weighed from Antegoa, and anchored the 23rd in Nevis Road, where I found the fleet and army in greate want. I supplyed them wth. what provisions I brought with me to enable them to goe to Jamaica. The 24th I removed into the *Boyne* and the 25th sayled from thence for Jamaica, where I arrived June 4th. As soon as I had moured the ships, I ordered surveys to be taken on all the shipps I brought with me, which were found to be very defective in their hulls, rigging, masts, stores and provisions, and, which was most material, in great want of men as will appeare by the weekly account enclosed, which amounts to 1,800 seamen and 800 landmen.

By an account from some French prisoners taken off of Cape Tiberon in a sloop, they say that Monsr. Chasteau-Renault and Mr. Du Casse lost great quantityes of men, which has weakened them mightily in seamen. And I am afraid it will be of as badd consequence to England, if they continue to send such heavy squadrons hither, for what with the pestilentiall air of the clymate and the Barbarous usage from the severall Islands, H.M. may have occasion to repent sending squadrons of shipps and bodys of men hither unless a new way of propagateing seamen and soldiers be found out. The Government of these Islands being now absolutely in the hands of Creoalians, who have plainly demonstrated their zeal for H.M. service by raiseing the price of all species of provisions, wanting treble to what it was at our comeing in hither, and enticeing the seamen and soldiers to quitt the service, and under the name of privatiering carry on a sinister trade with H.M. enemyes, and faile not upon every occasion to give notice of H.M. preparations and designes against them; and tho' they seem publickly to be afraid of the French and Spanyards attacqueing of them, yett in my opinion they are not in any danger, considering the weakness of the French and Spanyards in these parts unless forces be sent out of France. *Signed*, Jo. Graydon. *Endorsed*, R. Oct. 8, 1703. *Addressed. Sealed.* 2 *pp.* [*C.O.* 318, 3. *No.* 19.]

Oct. 8.
Whitehall.

1129. Journal of Council of Trade and Plantations. *Present*, Lord Dartmouth, Sir Ph. Meadows, Mr. Cecil, Mr. Pollexfen.

1703.

Upon the prospect of having a fuller Board the beginning of the next week, letters were writ to Sir Bartho. Gracedieu and Sir Gilbert Heathcote, for the informations of all parties concerned either for or against the late Acts concerning the seat of Trade in Jamaica, that they may be prepared to attend this Board without delay upon the first notice which shal be given them.

Letters from Governor Nicholson, July 23, 28, Aug. 1st and one without date, and from Mr. Jennings, July 6, read, and enclosures laid before the Board.

Letter from Col. Quary *etc.* June 30, relating to affairs in Pennsylvania, read. [*C.O.* 391, 16. *pp.* 209–212; *and* 391, 97. *pp.* 581–583.]

Oct. 8. **1130.** Minutes of Council in Assembly of Jamaica. Michaell Houldsworth was sworne a Member for Westmoreland.

Oct. 9. Michaell Houldsworth came to the Governor and prayed the late writts of Election for St. Thomas, Kingston, St. Andrews, St. Johns, St. Dorothy's and Clarenden may be againe laid before the House. And as soone as the House mett, the Clerk of the Councill was ordered to carry them in accordingly, and was ordered to acquaint the House that the Governor requires for the future the Minutes to be delivered to him on a peice of paper every night. [*C.O.* 140, 6. *pp.* 539; *and* 557.]

Oct. 10. St. John's, Newfoundland. **1131.** John Roope to the Council of Trade and Plantations. In obedience to yr. Lordships' commands I now write wt. ye shortness of time would give me the oppertunity of inspecting into, for have beene butt five days in the country, butt my late arrivall here will cause me to stay all winter, so yt. next year shall be able give a perfect acct. of wt. improvements may be made in ye trade of this country and by wt. meanes. I have given Capt. Herne of the *Centurion* some seeemes that I drew up in the passage. I know not how Admirall Griden's miscarriage happened, butt my thoughts are yt. if ye soldiers had been brought out of England in the spring of the yeare, and nott from the West India it would have beene of consequence. I therefore humbly offer that if earely next spring there be about 2,500 land soldiers and a small traine of artillery wth. about 15 or 16 ships of war from 36 to 50 guns sent from England to take, seize and keep all the Forts and settlements yt. ye French have in Newfoundland and Nova Scotia, and some sent to cruise on the Bancks, yn. not onely this inesteemable fishery will be once more in our possession, but allso our northeren Plantations, especially the North West or Hudson's Bay will be secured, for Nova Scotia and the west side of Newfoundland being in our possession itt is almost impossible yt. Quebeque and Canada cann long subsist, for all ships that goe to Canada must and doe pass through ye Channell that is between Newfoundland and Nova Scotia; and if wee doe nott soone reduce Plasentia *etc.*, 'tis to be feared that they will reduce us, for wee are informed by severall hands yt. there are 500 men in yt. garrison and at present six ships of war, and they have so disposed their spyes

1703.

yt. have intelligence from hence every 3 or 4 dayes, I know [*sic*] whither ye Irish yt. are here doe contribute to yt. *Signed*, John Roope. *Endorsed*, Recd. Read Nov. 25, 1703. 1 *p.* [*C.O.* 194, 3. *No.* 2; *and* 195, 3. *pp.* 253, 254.]

Oct. 11. New York. **1132.** Captain Nanfan to the Council of Trade and Plantations. I have twice made my application to your Lordships praying redress by way of letter, the one dated October 5, 1702, the other May 27, 1703, wherein with all brevity I have endeavoured to lay before your Lordships the difficulties imposed on me, by and thro' the means of my Lord Cornbury, my last told your Lordships I was clapt in goal for the protested Bills of Exchange returned hither, and occasioned so protested thro' my Lord Cornbury's means by his Lordship's taking up the money and misapplying it by and appropriation of it to his own use instead of paying the Bills drawn, when the Officers and soldiers by that money taken up here were weekly subsisted, but this your Lordships having been so long and well apprized of I will forbear to proceed on that subject and avoid repetition but I must humbly lay before your Lordships that I am yet in prison for that moneys, and God knows when shall be discharged without positive orders from England. My Lord, the separating me and my family, has, is, and will be very destructive, with the vast expence I have been at already and must be put to, the loss of my time to improve my own small fortune (since what I had from the Crown is taken from me), the blasting my reputation abroad, the confinement of my person in prison here, just so soon as my bread by my Company was taken from me without any reason assigned, confirms me in the said opinion I was of in my last to your Lordships, that I am intended a sacrifice, therefore I most humbly pray your Lordships that such care may be taken for my redemption, as a free born Englishman ought to have, and that I may by a mandamus be commanded for England, there to defend my administration, or whatever may be objected against me, or that such positive orders may be sent, to permit me to go on my lawfull occasions, saving harmless myself and all my securitys for the above mentioned debts contracted for the payment of the soldiers, and that my Lord Cornbury may be obliged, as he has misapplyed that very money, to make it good to the creditor, with the charges that his Lordship has occasioned to accrew on that account, and which his Lordship, as I am given to understand, intends to throw on me as drawer, his Lordship being at present in a station above the law, or any other means for me to procure satisfaction from him. *Signed*, John Nanfan.

P.S.—My accounts are allowed right with a great ballance to me, and yet I am kept on them bills in goal altho' my Lord Cornbury publickly owns to have received the moneys in England. *Endorsed*, Recd. Dec. 23, 1703, Read March 10, 170$\frac{3}{4}$. *Holograph.* 3 *pp.* *Annexed*,

1132. i. Abstract of preceding. 1 *p.* [*C.O.* 5, 1048. *Nos.* 68, 68.i.; *and* (*without abstract*) 5, 1120. *pp.* 85–87.]

1703.
Oct. 11. Whitehall. **1133.** Journal of Council of Trade and Plantations. Ordered that a copy of Col. Nicholson's letter relating to the death of Mr. Randolph be sent to Mr. Sansom.

Ordered that Sir B. Gracedieu and Sir Gilbert Heathcote be invited to attend on Wednesday on the affairs of Jamaica.

Oct. 12. Letter from Mr. Dummer, Oct. 12, read.

Their Lordships took into consideration the Act of Jamaica relating to Kingston. Ordered that a copy of it, and of petitions for and against be sent to Mr. Burchet for the information of H.R.H.

Case of the Officers at Jamaica considered and directions given for a Representation upon it.

Oct. 13. The merchants and planters concerned for and against the Kingston Act attending, Sir Gilbert Heathcote and those for the Act further explained as follows: In relation to the Leeward or Westward Channel into Kingston Bay, it is not indeed ordinarily used, but may be made use of upon occasion and lies out of the reach of the guns at Port Royal. Port Royal is of so little defence to H.M. ships in those parts, that when Admiral Benbow was there, and under some apprehension of being attacked by M. Chateau-Renaut, it was agreed at a Council of War to retire for safety into Kingston Harbour. Port Royal is no defence to the Islands, which in truth can only be defended by strength of shipping superior to that of an enemy. In case of an attack, it was always the opinion of the Council that the houses must be pulled downe; and that even without an attack it might be easy for an enemy, with a very smal force, to intercept their water, and force them to surrender. For which reasons these Gentlemen declared their opinion (and more especially Col. Lawes his) that the fortifications there ought to be demolished. If Port Royal is made the seat of Trade, the place is so very little that the charge of lodgings must be intollerable to seamen and other labouring people that must inhabit there, and so make all charges excessively dear and burdensom. Kingston Harbour is capable to contain the greatest Fleet that can be sent thither, and a little Block-house with 20 guns, at a place called the Middle Ground, and a platform of 10 or 12 guns at the Salt Pond would make it very secure. They asked that the Act be confirmed.

The Gentlemen on the other side communicated to the Board another petition which they had received from Jamaica last night, and would lay before H.M., and observed that it is signed by 7 of the Council and 13 of the Assembly, adding that there were great complaints in the Island of the heat wherewith that Act was carried on and obtained, and that divers, who had first been for it, were now convinced of their error, and desired it might not pass. They added to their former petition, that the Act is injurious to the property of great numbers of people; that the pretended hazard that Port Royal might be in of having their water intercepted may easily be prevented by a few guns on a platform, which may command the ordinary channel that leads thither; that it is true the maintaining of the Fort there

1703.

will necessarily require the keeping up of ye town; that the notion of destroying that Fort is new here in London, and never thought of in Jamaica; that the seafaring men are all desirous that Port Royal may be resetled; that the ground is capacious enough to contain habitations for them, and may be further enlarged by gaining with piles (as in Holland) upon the sea; that one great reason of their averseness to Kingston is its unhealthy air, which has always occasioned much sickness in that place; that 400 people have died there since the burning of Port Royal; that in effect a great many of their seamen, partly upon this occasion, and partly upon the alarm they took upon Admiral Graydon's pressing men at his departure, have already left the Island; that the Western Channel to Kingston is very hazardous, and that they have newly received advice of 4 ships being lost in that Harbour. They added divers other things, and concluded with their desire that the Acts may be rejected and the people left in the same circumstances as formerly, to build and settle as they think fit.

Capt. Gardner, Agent for the soldiers at Jamaica, together with Capt. Howard, an officer lately come from thence, were called in, and the case of the Officers read and compared with the late Act for their additional subsistence. Whereupon it being observed to the forementioned concerned in the affairs of Jamaica, that tho' there be provision made for lodging or paying the common soldiers 5*s.* per week for one year, yet it being at the choice of the inhabitants either to lodge or pay that mony, there ought to be some more direct and positive provision made for their lodging lest some should not be able to procure lodging with their 5*s.* And that as for the officers, it seemed a hardship to those of superior degree, that no consideration should be had of them more than of an Ensign. Whereupon those Gentlemen replyed that the town of Port Royal having formerly born ¼ part of the charge of this service, the Island could not now contribute so much as was done before the burning of that place, and that they had lately recd. letters from thence expressing that ye Assembly had done as much as was possible for them in this occasion; nevertheless they all concurred that the shortness of this Act, in reference to the common soldiers, ought to be amended, and that the officers ought to be made easy, and thereupon promised to write to their correspondents to dispose the Assembly to make some further provision in this matter. Their Lordships then gave further directions for preparing a Report upon the case of the Officers wherein to set forth the abstract of that case and of the Act and to propose that barracks be built for the officers and soldiers to lodge in, under the discipline established in Ireland, and to offer that H.M. would be pleased to direct the Lieut. Govr. to recommend to the Assembly to make further provision for the soldiery. [*C.O.* 391, 16. *pp.* 213–222; *and* 391, 97. *pp.* 585–598.]

Oct. 11. **1134.** Journal of Assembly of Jamaica. Bill for settling and continuing H.M. Revenue read the first time.

On debate concerning Capt. Thomas Freeman's continuing to absent himself from the service of the country in the House, resolved that he be sent for in custody of the Messenger by the Speaker's warrant.

Bill for making the Cay whereon H.M. Forts Charles and William stand a Port of Entry read and past the first time.

Oct. 12. Revenue Bill read the second time. Resolved, that the title be "An Act for raising a Revenue to H.M., her heirs and successors, for the support of the Government of this Island, and for maintaining and repairing H.M. Forts and Fortifications."

Bill for the better collecting H.M. Quit-rents read the first and second times and ordered to be engrosst.

Bill for making the Cay *etc.* a Port of Entry read a second time and ordered to be engrossed.

Oct. 13. The above Bill was read a third time.

Thomas Braggs and Thomas Cox not attending the service of this House, resolved that they lie under the censure of the House.

Bill for raising an Additional duty and impost read a first time. [*C.O.* 140, 7. *pp.* 126–130.]

Oct. 12. Whitehall. **1135.** William Popple to Josiah Burchett. The Lieutenant Governour, Councill and Assembly of Jamaica having past an Act "to invest H.M. in land in Kingston" *etc.*, whereby it is enacted that Port Royal, which was before the late fire the cheif town of trade, be no more a town or parish, that its priviledges be taken away, that all ships shall load and unload hereafter at Passage Fort, and that Kingston be the seat of trade (which Act is referred by H.M. to the Council of Trade and Plantations, in order to her Royal assent or dissent), their Lordships in consideration that Jamaica is the cheif resort of H.M. ships of warr in the West Indies; and that the resolutions taken in this matter will very much concern the navigation of England; have ordered me to send you the enclosed copies of the said Act, and of the papers relating thereunto to be laid before the Prince as Lord High Admiral for H.R.H. information. And doe pray H.R.H. opinion therein, for their better guidance in the Report, which they are required forthwith to make unto H.M. [*C.O.* 138, 11. *pp.* 39–41.]

Oct. 12. Whitehall. **1136.** William Popple to John Sansom. The Council of Trade and Plantations have ordered me to send you the inclosed copy of a letter wch. they have lately received from Governor Nicholson relating to the death of Mr. Randolph, that the same may be laid before the Commissioners of H.M. Customs. [*C.O.* 5, 1360. *p.* 434.]

Oct. 12. Coleman Street. **1137.** E. Dummer to Mr. Popple. The *King William* arived in Mounts Bay the 8th, bringing the Letters in two mails. She was chased in there by two large ships. The following is the account of time out and home :—

Sail'd from Falmouth 30th June, 1703; came to Barbadoes 1st Aug.

1703.

Sail'd from Barbadoes 3 Augt., 1703; came to Antegoa 7 Aug.
Sail'd from Antegoa 8 Augt., 1703; came to Mountseratt.
Sail'd from Mountseratt 11 Augt., 1703; came to Nevis 11.8 a.m.
Sail'd from Nevis 12 Augt., 1703; came to St. Xtopher's 12.
Sail'd from St. Xtopher's 13 Augt., 1703; came to Jamaica.
Sail'd from Jamaica 27 Augt., 1703; came to Mounts Bay.
This time amounts to 99 days just.

All the advice of moment I have is that the Barbadoes Fleet (and those from the Charibbee Islands which are a considerable number coming under convoy of the *Coventry*, *Kingsale* and *Maidstone*) were designed to come away from Barbadoes about Aug. 7th or 8th. That Island is sickly and it is said hardly one in three ships escape the French Privateers.

From Jamaica they say the saylors are all gone to Curacoa, but they have made an order of Government to encourage them to come back. *Signed*, E. Dummer. *Endorsed*, Recd. Read Oct. 12, 1703. *Addressed*. 1 *p*. [*C.O.* 323, 5. *No*. 18; *and* 324, 8. *p*. 259.]

Oct. 12. **1138.** Minutes of Council of Barbados. 18*l*. 15*s*. paid to Alexander Skene for administering 300 oaths to masters of vessels.

Petition of John Goby Attorney to Lewis Middleton, master of a sloop, to be reimbursed for importing 55 English prisoners whom he found in miserable condition at Martinique, in exchange for French, referred to a Committee.

48*l*. 14*s*. 6*d*. paid to Thomas Hollard for work done to the fortifications.

25*l*. sterl. paid to Geo. Wilshire for a negro woman executed for robbing him. [*C.O.* 31, 8. *pp*. 122, 123.]

Oct. 12. **1139.** Journal of Assembly of Barbados. Petitions of Robert Yeomans (Oct. 5) considered with evidence and dismissed.

Resolved that when H.E. pleases to rent any Plantation, this House will become security for the payment of the rent.

600*l*. voted to reimburse H.E. several sums of money for intelligence in relation to the security of the Island and receiving the Flaggs of Truce. and also his servants being sick and not having a house provided to place and maintain them, towards this expence.

Resolved that the duty of liquors for H.E. be remitted to him. These votes sent up. [*C.O.* 31, 7. *pp*. 115–118.]

Oct. 14.
Custome house, London.

1140. Mr. Sansom to Mr. Popple. I have communicated to the Commissioners your letter 12th inst., and am directed to acquaint you that this Board has had long experience of the ability and desert of Col. Quarry, and had so good an esteem of his services relating to this Revenue, that before the receipt of your letter, they had resolved to present him to that imployment, and accordingly a presentment is lodged at the Treasury Chambers against my Lord Treasurer comes to towne. *Signed*, Jno. Sansom. *Endorsed*, Recd. 18, Read Oct. 20, 1703. *Addressed*. ½ *p*. [*C.O.* 5, 1313. *No*. 32; *and* 5. 1360. *p*. 435.]

1703.
Oct. 14. Whitehall. **1141.** Journal of Council of Trade and Plantations. Upon further consideration of the Kingston Act, ordered that the Secretary write to Sir Gilbert Heathcote and to Sir Bar. Gracedieu.

Representation upon the Act for subsistence of soldiers at Jamaica read.

Oct. 15. Sir Bartho. Gracedieu, with Mr. Way, Mr. Mason, Capt. Burrowes, Commander of a ship using the Jamaica trade, and Mr. Egon [*Egans*], who left that Island May 26, attending, the latter declared that when he came from thence there were about 40 or 50 houses built at Port Royal, but not above 2 or 3 at Kingston, since the passing of the Act for the setling the seat of trade there. Capt. Burrows said that there is no good anchorage about Kingston, and that the sea-breezes there are very injurious to the health of the seamen, and also hinder them from working a great part of the time in wch. they may work at Port Royal. Mr. Way laid before the Board extracts of 3 letters from Jamaica, from Col. Beckford, Col. Knights and John Rayner, complaining of the said Act, and particularly of the unhealthyness of Kingston. He also said that they had account that the ground on which the town of Port Royal lately stood, including the Fort, has been lately measured to contain 43 acres. Sir Bartho. Gracedieu promised to bring a more perfect account in writing of what has been done in execution of the late Act, according was desired [*sic*] by the foresaid letter. Their Lordships acquainted him that what relates to the sea and ships of war has been laid before H.R.H. for his consideration, and ordered that Sir Gilbert Heathcote be also acquainted with the same, that both sides may attend the Admiralty therein, as they think fit.

Representation upon the case of the forces at Jamaica, signed and enclosed to Lord Nottingham.

Ordered that copy of the Kingston Act be sent to Mr. Lowndes. [*C.O.* 391, 16. *pp.* 223–226; *and* 391, 97. *pp.* 601–607.]

Oct. 14. **1142.** Minutes of Council [*in Assembly*] of Bermuda. The Assembly sent up their reply to the letter of the Council of Trade referred to Oct. 4. As to the Liquor Tax made in Col. Day's Government, they pray that the members of that Assembly, with such others as shall be thought necessary, may be examined on oath of their knowledge by this Board, and such examinations be annexed to a copy of the said Liquor Act now on Record with the votes of that Assembly preceding that Act. As to an indefinite Act for raising of money for support of these Islands, the Assembly cannot make an indefinite Act for raising of money without great prejudice to H.M. subjects in these Islands.

The Board approved of the proposed examination, and desired the same may be expeditiously done. As to the Indefinite Act, this Board have deliberately considered H.M. Instructions to H.E. in that matter, and the letter of the Lords Commissioners of June 18, (*and*) are unanimously of opinion that H.E. cannot vary from or dispense with them, but must inviolably observe and pursue the same.

1703.
Oct. 15. Upon reading the several petitions this day exhibited by Capt. Matthew Newnam on behalf of Thomas Gibbes and Anthony Peniston, jr., praying to be relieved in the several suits by Col. Samuel Day now depending by way of Appeal in this Court, and upon reading H.M. Order for permitting Col. Day to return to England *etc.*, it is the unanimous opinion of this Board that no suit ought to be prosecuted against the administrators of Col. Day in these Islands, they being only in trust for Sir Thomas Day; and that the persons aggrieved in the matters above may redress themselves by stating their cases and transmitting them to England, this Board being willing to assist in recommending the same for H.M. directions therein.

Capt. Brooks' Bill for 5*l*. 11*s*. 4*d*. was passed. [*C.O.* 40, 2. *pp*. 56, 57.]

Oct. 14. **1143.** Journal of Assembly of Jamaica. Bill for raising an additional duty read a second time and ordered to be engrosst.

Committee appointed to examine the Receiver General's accompts.

A motion that a Bill may be brought in to encourage the importation of white men, was negatived.

Revenue Bill read the third time.

Quit-Rent Bill read the third time.

Additional Duty Bill read the third time.

Oct. 15. *See* Minutes of Council in Assembly under date.

Robert Nedham had leave to be absent upon extraordinary occasions of his.

Committee appointed to bring in a Bill to encourage the importation of white men. The Bill was brought in and read a first and second time and ordered to be engrosst.

The House obtained the Governor's leave to adjourn till Tuesday. [*C.O.* 140, 7. *pp*. 130–133.]

Oct. 14.
Boston. **1144.** Minutes of Council of the Massachusetts Bay. H.E. being returned this week from Piscataqua, intimated his having sent forth 360 souldiers under Lieut. Col. March to visit the settlement of the Indian rebels at Pigwockett, but that by reason of the troubles with the Indians for about 15 years past, the way thither had been disused, and for want of burning the woods, they were so much overgrown and had so altered the forme of the land, that the Guides were bewildred and could not find the Path, and the forces were obliged to return, their provisions being expended. He had formed a second expedition to that place by another way, more easy to be found, tho' somewhat further about, who were ordered to set forth yesterday. He had armed two sloops to cruise along the coast as far as St. Croix, to make what spoyle they could upon the enemy, the rest of the forces being posted at Casco Bay, and on the frontiers.

8*l*. 15*s*. paid to Jonathan Barnes of Plymouth for billeting of souldiers, Aug. and Sept. last. [*C.O.* 5, 789. *p*. 538.]

1703.
Oct. 14.
New York.

1145. Journal of Assembly of New York. Andrew Dow took the oaths and signed the Test.

The Governor summoned the Assembly to attend him at Fort Anne, and addressed them:—I am sorry the season of the year is so far advanced that you cannot have so much time for your deliberations as I would wish, because there are many things that will in due time require your consideration, the providing a sufficient fund for the paying such a number of men as may be necessary to be sent to Albany for the defence of the frontiers this winter: the number I think necessary 130, with their officers, including the outscouts. I should have desired a greater number, but that I consider the condition of the Province at this time, therefore I am willing to make the charge as little as possible, but I must recommend it to your care to provide such a coertion in your Bill as may be effectual for the bringing in the money, by the time you shall think fit to appoint, else I am afraid people will be as backward in their payments as they have been in the 1,800*l.* tax, which is not yet all paid, though the time appointed was March 25 last. If anything occurs to your thoughts for the good of this Colony, you shall always find us ready to concur, *etc.* The Great Queen of England, my Mistress, has been pleased to ease this Province of a burthen which by custome has long lain upon it, that of presents to the Governors, *etc.* I desire you to give all possible dispatch to matters before you, for I am obliged upon the Queen's service to be at Amboy at the very beginning of next month." H.M. Letter of April 20 *was entered in the Journal of the House.*

Oct. 15. Resolved that 1,300*l.* be raised for paying 130 men, *etc.*, to be sent to Albany for the defence of the frontiers.

Address to H.E. agreed upon.

Oct. 16. Bill to raise 1,300*l.* read a first time. [*C.O.* 5, 1185. *pp.* 100–103.]

Oct. 15.
Whitehall.

1146. William Popple to William Lowndes. The Council of Trade and Plantations desire the opinion of the Commissioners of Customs, as to the Act of Jamaica for transferring the seat of trade to Kingston, so far as may relate to H.M. Revenue of the Customes. Copy of the Act enclosed. [*C.O.* 138, 11. *pp.* 41, 42.]

Oct. 15.

1147. Ja. Egans to the Council of Trade and Plantations. In answer to your Lordships' commands how far the Laws at Jamaica for settling the seat of Trade *etc.* have been put in execution, I say that many persons settled at Kingston and began to build houses there, and at the end of May there were 9 or 10 houses almost finished, but that in expectation of the resetling Port Royall most people desisted. Mr. Chaplin, Hutchinson, Puckle and many other merchants and others resided on Port Royall, and had and were building houses and warehouses there, about forty whereof were finished and four or five taverns kept, and wine sold, and one Johnson, a butcher, and others killed and sold meat there. Before the fire, Port

Royal and Kingston were both Ports of Entry, but since the fire the offices for entring and clearing ships being kept at Kingston only, all ships have entered and cleared there. *Signed*, Ja. Egans. ¾ *p. Annexed*,

1147. i. Sir Bartho. Gracedieu and others to the Council of Trade and Plantations. After the Earthquake in 1692 Kingston was made a Port of Entry with equal advantages as Port Royal, since which a very few ships of small burthen depending on Messrs. Heathcotes (and we veryly believe these only) have gone up to and entred at Kingston only, but almost all ships have entered, discharged, loaded and cleared at Port Royal only, and never went to Kingston, but when compelled by utmost force and necessity. The ships of war always have and (tho' the Forts should be demolished as the sticklers for these unreasonable Laws desire) always must ride in Port Royal harbour, Kingston being unsafe to goe to, and ride in, and so seated that they can't come thence but at great hazard, much charge and the expence of several days' time. Since the fire many very considerable persons for trade and estate do still live on Port Royal, and have laid out great sums of money and built many good houses for their accommodation and health. The unjust means made use of to procure these violent and oppressive Laws, and to deprive so many poor widdows and orphans of their naturall property to so great vallue as above 13,000*l.* an year ground rents, hath forced many seafareing men to leave the Island, and raised such heats and animositys as will (we fear, if not prevented) produce dismall effects. We are humbly of opinion that nothing can quiet the minds of the people there, or secure H.M. Island but the rejecting of those violent Laws, and suffering Port Royal to be a place of entry, as well as Kingston, as it hath always been, to the health, safety and satisfaction of trade thither. *Pray* the Board to advise H.M. that these Laws may be rejected. *Signed*, Bartho. Gracedieu, Benj. Way, Ste. Mason. 1 *p. The whole endorsed*, Recd. Read Oct. 18, 1703. [*C.O.* 137, 6. *Nos.* 10, 10.i.]

[Oct. 15.] **1148.** Extracts of Letters from Jamaica complaining of the Kingston Act.

(*a*) Col. Charles Knight to Benjamin Way. Aug. 26, 1703. The rents of Port Royal was worth the day of the fire 27,000*l.* *per annum.* Instead of a brief that is customary amongst Christians for the relief of their brethren, they endeavour to destroy what the fire left, notwithstanding moneyed men would have rebuilt the town one half for the other, so that the poor inhabitants would have had in a year or two 13,500*l.* *per annum* coming in and living in health in all probability, but now are starving and great numbers of them in their graves at Kingston,

1703.

where they are forced by the Law, altho' that place heretofore was almost deserted for its unhealthyness, and will in a little time swallow up the greater part of the remainder, if they cannot remove to Port Royal, *etc.* *Copy.* ¾ *p.*

(*b*) Col. Peter Beckford to Sir B. Gracedieu, July 7, 1703. We are now in such a condition that I cannot think it advisable to discover how many men and the best of them has left us, since those violent hasty Laws past, that takes away the freeholds of so many able men that supported Port Royal and manned H.M. fortifications there. The owners of sloops etc. that were manned out against our enemies were inhabitants and freeholders of Port Royal, and rather than be forced from their freeholds to that place of Kingston, which they have already experienced to be unhealthy, inconvenient, tedious and very chargeable, most of them have left and the rest will follow. *Copy.* ¾ *p.*

(*c*) John Rayner to Jos. Paice. Port Royal, Aug. 28, 1703. We have had two judgments on us, and believe ye latter has been the worst, that of Port Royal's being burnt and the great sickness that has been at their free Port Towne, Kingston. 'Tis so sickly that when I have went their of a morning, have heard the bell toule six times before I put a peice of bread in my mouth; people are taken sick one day and buried the next. If Port Royal be not a free port, we'll all come off and leave ye Kingstown men to defend it. There has been no less then three vessels sunk and overset in ye Harbour by gust of wind, ships going and coming from thence continually running aground, the channel being so narrow. *Copy.* ½ *p.* *The whole endorsed*, Presented to the Board by Mr. Way. Recd. Read Oct. 15, 1703. [*C.O.* 137, 6. *Nos.* 10.*a.*, 10.*b.*, 10.*c.*]

Oct. 15.
Whitehall.

1149. Council of Trade and Plantations to the Earl of Nottingham. Enclosing following Report to be laid before H.M. As to the Act relating to Port Royal and Kingston, we have several times heard the most eminent merchants and planters of Jamaica now here upon that subject, and have laid before H.R.H. the Lord High Admiral the consideration of what may relate to H.M. Fleet and the sea for H.R.H. opinion, upon receiving whereof we shall be ready to lay before H.M. our humble Representation therein. *Signed*, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. 1 *p.* *Annexed*,

1149. i. Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order in Councill of Sept. 19 last, we have considered the petition of the officers of Col. John Livesay's and Col. Thomas Handasyd's Regiments, now quartered in Jamaica. We have likewise considered the Act of Assembly therein mentioned, whereby it appears that 17,000*l.* had been raised for payment of publick debts and subsistence of soldiers; and by the said Act provision is further made for allowing quarters to all officers and soldiers for one year, or in lieu thereof for paying unto each officer 10*s.*

and to each private soldier 5*s*. per week, which allowance to Officers we humbly conceive to be too small in those parts, and that they may deserve a better provision. And whereas by the said Act it is left to the choice of the inhabitants either to receive the soldiers into their houses, or pay them 5*s*. per week for quarters; by which means the soldiers receiving this money mispend it to the ruine of their health, and are frequently left without quarters; we humbly offer that letters be writ by your Majesty to the Lieutenant Governour and Councill of Jamaica that they recommend to the Assembly in your Majesty's name the case of the said Officers; and that a clause be inserted in a future Act by which quarters may be better secured to the soldiers, and the forementioned inconvenience prevented. We being further informed by several Planters and Merchants lately arrived from Jamaica, that considering the destruction of the town of Port Royal by the fire, which town alone did formerly bear ¼ part of that charge; and being otherwise sensible of the inconveniences your Majesty's Forces in those parts lye under for want of a due care taken of them, which occasions a great mortality amongst them, and renders them in a great manner unfit for service, we humbly take leave to propose to your Majesty, that barracks be built there in proper places, wherein (as in your Majesty's kingdome of England), the Officers and soldiers may be lodged, under the like, or such other regulations as may be proposed, which will not only be a great ease to the inhabitants of that Island, but keep those Forces, which are now too much dispersed, in a greater readiness for service. And whereas the provisions which the Officers and soldiers are now forced to purchase at dear rates, by the exactions made upon them, may be more easily supplied from Carolina, and your Majesty's more Northern Plantations, in case an Agent be appointed for victualling of them at the best rates, whilst they shall be thus lodged in the barracks, we humbly propose that such an Officer be appointed for purchasing such provisions, keeping them in stores, and delivering them out to the Officers and soldiers at the cheapest rates, for which so much of their English subsistence as is necessary may be retained, and deducted, as also so much of the allowance made them by the inhabitants as shall not be applied towards the building and maintaining of barracks, the perfecting of which good work we humbly offer that your Majesty be pleased to recommend to the Assembly of that Island; and by this method we humbly conceive that your Majesty's Forces will be no longer burdensom to the Island, their discipline and health will be preserved, the service better carryed on, and the cheif occasion of the soldiers' unwillingness to serve in the Plantations in a great measure removed; and how far your Majesty may please to encourage and promote the work by your royal assistance is most humbly submitted. *Signed*, Robt. Cecill, Ph. Meadows, William Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 138, 11. *pp.* 42-48; *and* (*without enclosure*) 137, 45. *No.* 53.]

Oct. 15. Virginia. **1150.** Col. Quary to the Council of Trade and Plantations. Inclosed is a copy of my last, since which I have gone through Maryland, and visitted the severall Officers of H.M. Customs, in persuance of the Commissioners' Instructions. I came into this Province Sept. 16 in order to discharge the like duty, which I have effectually done. The 29th I was sworn one of H.M. Council for this Province, and since your Lordships were pleased to think me fitt for yt. honour, I will endeavour to maintain your good esteem *etc.* This Governmt. was never under better or happyer circumstances, H.M. Revenue never managed wth. more justice, care and judgemt. than at this present, nor ever augmented and improved to yt. hight as now it is, and yet ye publick taxes was never easyer or lighter than now, and consequently ye Inhabitants never better pleased or satisfyed. The Governor hath taken so good care in the disposing of the arms lately sent by H.M. yt. ye money they cost will be repayed to H.M. in a little time with interest, wch. I hope will incourage your Lordships to propose yt. there may be a further supply of arms, ammunition and other necessaries sent, according to the acct. which you will receive from H.E. There is now in Bank 1,936*l.* of ye Revenue arising to H.M. from ye 2*s. per hhd.* and 4,111*l.* of H.M. Quit-Rents, after having paid for the arms and ammunition. The Publick Building called the Capitoll, is quite finished, except some inside work. I never saw a better structure for ye bigness of it in my life, both in respect of ye materials, ye beauty, and prospect of it, the design and contrivance of it, which will efectually answer all the ends proposed by it, the Courts of Judicature, the setting of the Council and Assembly, and all the public offices of the Govmt. The people are extreamly pleased with it as being an ornament and honour to ye country; and now yt. this great work is finished, I beleive the Assembly will continue ye same fund to be employed in some further benefit to the country.

The Militia of this Province is under far better regulation than any other Govermt. on the Main; it is put into the hands of very good officers, and H.E. doth by himself exercise ye men very frequently, when time can be best spared without ye least injury to ye Planters, so yt. in a little time I hope to see them well disciplined (and when supplied with more arms and ammunition) fitt to serve H.M., and under H.E.'s conduct be able to defend this Province from all H.M. enemys. I could say a great deal more, but can't better demonstrate ye great quiet, tranquility and satisfaction of all this Govermt. than by referring

1703.

your Lordsps. to the severall Addresses from all ye parts of it, the Assembly, the Grand Jury, the Militia and the whole Clergy. There are some uneasy, factious and turbulent spirits (tho' few in numbers) yt. do envy this happiness and endeavour to distract and disturb ye peace and quiet of this Govmt. They are in their very nature uneasy under all Govermt.; they played ye same game under my Lord Howard of Effingham's Govermt., they never left clamouring and complaining against his Lordp's. administration till they had gain'd their point in having him removed; nor were they anything better satisfied under Sir Edmund Andross, but continued their old game, clamors and complaints till they got him also removed, to whom Gov. Nicholson succeeded, and now they seemed satisfyed and contented in ye highest degree imaginable; they expected yt. the Governor would be governed by them, yt. all places of honours and profitts should be in their hands and disposing, and yt. now they should be able to crush and ruin ye other party; but they quickly found themselves mistaken, for H.E. by long experience knew the mischiefs of encouraging factions in a Govermt., and therefore would not gratify them by making himself ye head of a party, but govern'd ye whole without partiality or distinction, and accordingly he did distribute justice and his favours without ye least regard to party or factions, and took occasion to let all persons in places of trust and profitt know yt. he expected they shoud discharge their duty. This conduct of the Govr.'s surprized them at first, but when they found him stedy and resolved, it quickly sowered their tempers, and from pretended ffriends they became ye worst of enemys; they united all their forces, and some yt. were ready to cut each others' throats became fast friends to oppose ye Govr.; those of them that were in the Council did all they could to perplex matters there, tho' contrary to their oath and duty, and those few that were chosen into the Assembly did their part to oppose ye Queen's interest and commands; but all their endeavours failed, unless in ye case of supplying ye Quota for ye support of Albany, and in that they run in with ye genll. humr. of ye whole contrey, which humr. was first improved by those very men by telling ye people yt. they should be all inslaved by being forced to maintain other Govermts. and be drawn out of their own country from their wifes and families, which would be left exposed to enemys whilst they were forced to fight for strangers, with abundance of these malicious notions, on purpose to distract and make ye People uneasy; but this impression lasted not long, for ye country quickly saw through ye malicious designs of these men, and do now generally abhor them. Some of ye very chiefest of these malecontents are ye men yt. have been preferred to what they are, and obliged in a very extraordinary manner by ye Govr.; but no tyes of gratitude can secure some men, or oblige them to be just. I have been very conversant with some of ye Principall Leaders of this faction, and as an indifferent person have asked them these reasonable questions, What was ye reason of so great a change in them from ye greatest pretens of friendship and encomiums on ye Govr, to ye highest degree of prejudice and malice against him? Hath ye Govr. violated any of ye Queen's commands, or Instructions? Hath he omitted any oppertunity of serving H.M. or ye interest of ye country? Hath he embezel'd any of H.M. Revenue, or misapplied it? Or hath he omitted any occasion of improving it? Hath he neglected to regulate and settle ye Militia in good hands, or omitted any proper occasion of putting ye Country into ye best method and posture for defence in time of war? Hath he denyed or delayed justice to any man contrary to Law and ye Rules of ye Courts of Justice? Hath he neglected to put ye Act of Trade *etc.* in execution? Hath he anyways wincked at or encouraged illegall Trade? Or hath he omitted any oppertunity of encouraging ye honest and fair Trade of this Province? Hath he in ye least discouraged ye honest Industry either of ye Mercht. or Planter? No, not any of all these can ye very worst of his enemies so much as pretend to lay to his charge. But that I may do them all the right and justice they have any pretence too, I will acquaint your Lordships with what they charge against ye Govr. The most material thing is his passion, the effects whereof they say is, that he treats them with hard language, and threatens them and gives them sometimes hard names; this perhaps is a great truth, but then these Gent. forget that they themselves give ye occasion, and provoke him to this passion by their under-hand designes in Council and Assembly against H.M. commands, interest and service, by their false misrepresentations of him to others, by their malicious and scandalous letters against him to severall persons in London, an acct. of which ye Govr. hath received from very good hands, by their endeavours to blacken and traduce him, even his best actions; all which have been fully made appear to their confusion, and yet they will not allow H.E. to resent such barbarous usage so far as a few hard words. The next thing is yt. he hurrys and fateagues ye Country by ordering them to be mustered and exercised in arms; this they pretend is a charge and trouble to ye Country, not considering that it is H.M. positive commands, and yt ye safety and security of ye Country depends on it; but neither consideration can stop ye mouth of prejudice and malice. The next thing they charge as a crime is yt. he spent so much of his own mony in solemnizing H.M. Coronation and happy accession to ye Crown; this was ye occasion of making a great number of men drunk, as they say, and therefore do charge ye sin and abuse on ye Govr.'s acct., but with what justice I know not. If they are allowed to be Judges, they do say yt. a bowl of punch wou'd have answered this solemn occasion as well as ye expence of 500*l.*, which it cost H.E. It is very hard that these gentlemen will not allow him to spend his own money without being censured and made accountable to them for it: I could acquaint your Lordships with a heavy, long charge which they bring against the Governor for being in love with a hansome young lady of this country, wch. they are pleased to agravate as a hainous crime; this they endeavour to prove by many arguments and

1703.

circumstances to[*o*] many and rediculous to trouble your Lordships with. As a further confirmation of all I have said, I refer Col. Jenings, H.M. Secretary of this Province, who is thought by all parties to be an indifferent person and unconcerned on either side. If such factious-spirited men are not taken notice of and discouraged, t'will be impossible to preserve ye peace and quiet of the country, nor shall it be in the power of any Governor which H.M. shall send hither to do H.M. yt. service that may be expected from him. Now is the time to put a stop to this growing evill. The chief head of this few factious party went to Engld. in the last fleet in order to do all the mischief he is capable of. His person and caracter is very well known to some of the Honble. Members of your Board, and therefore there is ye less to be feared from his cuning and malice.

In my last I gave an account that I had acquainted the President and Council of Pensilvania with H.M. Order relating to the Courts of Judicature. They would not give me any positive answer then, but deferred it for some few days, and notwithstanding their promise I never heard further from them till ye last Court, wch. happened whilst I was here. I left orders with Mr. Jno. Moore to press them for a positive answer, which accordingly he did. By his enclosed letter your Lordships may see yt. ye Quaker Justices do positively refuse to take ye Abjuration Oath, tho' H.M. hath been pleased by her Order in Council to allow their taking ye severall oaths required by Law in their own form appointed by ye late Act made in favour of them; and notwithstanding they refuse to qualify themselves by taking ye Abjuration which is ye most essential of all ye oaths required by Law, yet in contempt of H.M. Authority they proceed to act in all respects as Judges, Justices, Councillrs. and Govrs., by which your Lordsps. may see ye true temper of these people, who have no reguard to the Queen's Orders, or ye Law, but conclude themselves above all, and do wholly depend on Mr. Penn's great interest to protect them in whatsoever extravagancies they commit, so that there is no hopes of any obedience or regulation in the Govmt. till under H.M. imidiate directions.

In my last I did propose a most efectual way to secure ye Trade of America from the Main to the West Indies and to distress the French Islands for provisions; since which I have fully discoursed my Lord Cornbury, who very well approves of my proposal in all its parts, and believes yt. it will effectually answer ye ends proposed, and therefore resolves to second it to your Lordships. I have also since had ye oppertunity of speaking to most of ye Merchants all along ye Main concerned in yt. Trade, who do all very highly approve of ye design, and Governor Nicholson is pleased also to approve of it in all its branches, and doth further propose yt. ye man of war, which shall be appointed for ye service of this Province may be joyned to ye convoy especially of yt. fleet which goes towards the winter, since she can be of no service to H.M. here during yt. season, but may be of great use in ye West Indies. Therefore I again

1703.

renew my proposal, that twice a year will efectually answer all ye ends of trade from all ye Govermts. on ye Main with provisions and their other produce to ye severll. Islands and from thence with ye growth of ye Islands to ye Main; that no ships be suffered to go from ye Main to the Islands and from thence back but in fleets and under good convoy; that ye Spring Fleet be made up at New York at a day fixed by ye sevll. Govrs., yt. ye convoys be ready to sail at ye day appointed; yt. as soon as ye ships arrive in Barbados, one of ye convoys shall go with ye vessels yt. shall be bound to ye Leeward Islands, and yt. as soon as they are loaden in Barbados, they shall make up ye home fleet at Antego or Nevis, and from thence hasten back to North America, and that the proper method be agreed for ye Jamaica Trade; that ye winter fleet be made up in Virginia, where there is no danger to be shut up with the ice so soon as to ye Northward; yt. ye man of war appointed for the service of yt. Province do also go with ye other convoy; that during all ye winter season ye sevll. men of war do stay and cruise about the Islands, where they may do H.M. great service against ye French and Spaniard, and can be of no use at yt. season in any of H.M. Govermts. in North America. This winter fleet may return homewards about ye middle of March, which will bring them in very good time on ye Northern Coasts. This proposal duely persued will efectually secure all ye Trade of America, without putting H.M. to any expence; besides ye constancy of these fleets going and coming with good convoy will be of great service and security to other Trades. But ye main thing I propose this for is ye disappointing and distressing ye French for provisions. I am sure they will not be able to subsist in their Islands, much less be able to fitt out their shiping and privateers for want of our flower, bread, beef, pork, rice and other provisions. They are not furnished with these from France, nor can they be furnished from any other place in case this proposal be duely put in execution. But at ye loose rate yt. this Trade is now managed, they are farr better furnished with our provisions than any of H.M. Islands are. No time ought to be lost on this occasion, nor will anything be wanting to put this noble design in execution, but an Order to H.M. sevll. Govrs. *etc.*

Inclosed is an acct. which was sent me by one of H.M. Collectors who is settled at Lewis Town near Cape Henlopen in ye Lower County, by which your Lordships may see yt. ye sd. Trade of encouraging Pyrates is still carryed on as formerly. It is impossible for them to leave their old practice and kindness for yt. sort of men. H.M.S. *Oxford*, Capt. Moore, in her way hither took a French ship loaden with sugar and brought her into Maryland, where she was condemned in a Court of Vice-Admiralty. There being no person commissioned in yt. Govermt. from ye present Commissioners of the Prize Office, to take care of ye Queen's share, Mr. George Plater, H.M. Receiver, hath taken it into his custody; I have given him the best directions I could in that case, which was, yt. ye goods be sorted, divided and appraised by men of ye best charecter and circumstances on their oaths ; yt. ye Queen's share, which is one half of ye whole, should be divided into small lotts and sold by inch of candle, or how else he should find most for H.M. advantage. The ship and loading is worth above 6,000*l.*

The Post before I came from Philadelphia brought an acct. yt. a body of ye Eastern Indians headed by about 30 Frenchmen from Canada had fallen on ye out-ports and settlements of New Engld., had taken and destroyed sevll. of ye places, and had killed and taken prisoners above 150 English Inhabitants ; the enemy were not gone when this acct. came. This obliges me to renew my former memorial to your Lordships about Canada. The French do dayly improve their interest in securing those great Nations of inland Indians, and I am very sure yt. the methods they take will never fail to answer yt. end. It is generally believed yt. ye Five Nations will not long prove stedy or just to ye English interest, and when ever they fall of to ye French, it will prove of fatal consequence to all ye Govermts. on ye Main. Virga. yt. will not see their danger now, may see their error in fatal effects (which I pray God prevent). The state of this case is brought to this narrow compass, yt. either H.M. must resolve to remove ye French from Canada, or else they will in a little time ruin all ye Govermts. on North America. From ye best intelligence yt. can be gotten, the French are not above 3,000 effective men in all ye parts of Canada, so yt. ye taking yt. place is not so difficult and hazardous as is imagined. I am sure ye consequence of gaining yt. point is of a vast concern to H.M. interest. In case this great design is persued, a great number of ye inhabitants on ye Main will heartily engage in it ; I am sure H.E. Govr. Nicholson will gladly joyn my Lord Cornbury in this action, and will be able by his great interest in those parts to raise a very considerable force to carry with him to this service. I presume my Lord Cornbury and Govr. Nicholson did at their last meeting fully discourse this affair and have sent a Representation of it to your Lordships. By a vessel lately come from Jamaica we have this account yt. ye Inhabitants of yt. place had contrary to ye direction of ye Govermt. rebuilt sevll. houses on ye Point ; that a gunner of one of H.M. ships had stolen ashore 16 barrells of powder, which was lodged in one of ye houses, and was by some accident fired, which blew up all ye new built Houses. There seems to be a chain of fatallity attending yt. place, and yet nothing can divert ye People from their endeavours of rebuilding it again. I am obliged to hasten away from hence much sooner than I would, purposely to attend my Lord Cornbury at Amboy, in East Jersey, where the first Assembly for yt. Govermt. meets about the latter end of this month. I will be just to the promise I made H.E., being very sensible that his Lordship is but very indifferently yoked with a Council for yt. Govermt. I purpose to return hither again early in ye spring, and then shall have an opportunity of writing to your Lorps. by the fleet. *Signed*, Robt. Quary. *P.S.—Prays to be* recommended to succeed Mr. Randolph as Surveyor General of North America, " the duty of which place I have discharged ever since I returned last to America, by virtue of a power from ye Commissioners of Customs, tho' I have not had ye sallery belonging to it" *etc.* Since my writing this by a vessell just arrived we have ye certain acct. yt. ye French and Spaniards from ye Havana have fallen on Providence Islands, taken and plundered it, dismounted all their guns, and have carried away ye Lieut. Gov. prisoner; tis to be feared they design to return again and settle it with more force; to be sure the English will never venture to settle it again unless H.M. be pleased to send some force to defend and secure them. By this your Lordships may see ye effects of Proprietary Govermts., who will take no care to defend ye Queen's subjects, but leave them exposed to the enemys; nor are they willing to deliver ye Provinces up to be defended by H.M. The next step will be ye taking of Carolina; they are in no condition to defend themselves. *Signed*, Robt. Quary. *P.P.S.*—I humbly request your Lordships will please to order me a supply of Paper, Pens, Ink, Wax *etc.* I am often distrest for want of them in these parts. *Endorsed*, Recd. Dec. 9, 1703, Read Feb. 16, 170¾. 7 *closely written pp. Enclosed*,

1150. i. Memorandum of Minutes of Council of New Jersey, Aug. 14–21, 1703. ¼ *p.*

1150. ii. Robert Quary to the Commissioners of Customs. Virginia, Oct. 15, 1703. Since my last of Aug. 4 I have travelled through Maryland and visitted all the officers in ye severall Rivers on the Western Shore. I found some of them guilty of severall mistakes, neglects and omissions, wch. they have rectified, and promise to be more diligent and careful for ye future. David Kennedy, Collector of Potomock District, went from thence to Engld. in July, 1701. I can't find yt. he had either your Honours' leave for his going or from ye Govermt., but this is the least part of what he is chargeable with, for the crime laid to his charge is no less than forgery and cheat; one Mrs. Allchorne is come hither from Barbados on purpose to prosecute him; she charges him with forging her hand, and since she has mist him here, she goes for Engld. this fleet to prosecute him there. *Repeats case of the* Oxford's *prize given in preceding.*

As soon as I had dispatched what my duty required in Maryland, I hastened to Virginia to advice with H.E. Gov. Nicholson about ye best ways and means to persue your Honours' Instructions about preventing abuses in ye package of tobacco. He is of opinion yt. it is impossible efectually to prevent yt. and other mischiefs in trade but by having fix'd ports in each River, which will never be done by the Assembly here for the reasons which I have given your Honours in my last, but is of opinion yt. it may be easyest and best done by a short Act in England, which he believes will meet with no opposition. H.E. is so zealous in having these abuses remedyed yt. he assures me yt. if your Honours will procure H.M. positive orders to him, to appoint such proper ports in each River for ye loading Tobacco as he and the Council shall think most convenient, he doth not in ye least doubt but to secure yt. good design and gain ye point without opposition, ye generallity of ye country beginning now to see yt. the appointing of Ports in each River would be very much for ye publick good of ye Country, as well as for ye good of Trade, tho' severall of ye great loading men do oppose it merely for their own private ends, and I do therefore most humbly recommend to your Honours to procure such an order and to dispatch it away as soon as possible. H.E. was pleased to honour me with his company in visiting ye severall Officers of this Province, which he did purposely to satisfy himself of their behaviour in the discharge of their respective offices. Generally the Collectors and Naval Officers are gentlemen of very good characters both for honesty and ability *etc.* I have given them perticular charge about your Honours' Instructions concerning ye false cases, and have ordered yt. upon ye Master of ships entry and report yt. they be very particular in that part of ye oath relating to ye respective package, that they shew each Master your Honours' Instructions, and what is meant by cases. I am obliged to except one officer in this Government, Luke, Collector of the Lower District in James River; he is now in Engld., but hath left a very scandalous carecter behind him, here he marryed a very infamous woman, who was tryed for her life and very narrowly escaped hanging; they lived so scandalously here that Mr. Luke hath made himself ye scorn and contempt of ye meanest in this country. He left his books and papers with one yt. keeps a punch house in Kiquotan; he went for Engld. without the Governor's order, and left ye office in this confusion without giving H.E. any account of it. I examined the books *etc.*, and never saw anything more irregular and confused *etc.*

I did purpose to have gone to North Carolina in order to a nice inspection into what concerns H.M. Revenue there. I am very sensible that there is a necessity of a regulation in yt. country. I do much fear yt. most of ye tobacco wch. grows in yt. country is carryed to a wrong market, for such obscure places, especially under Proprietary Govermts., are ye most dangerous; most of ye Trade of that place is carryed on by New Engld. men, where they take in pork and other provisions for Curesawe and other places in ye West Indies, and by way of conveniency do take in tobacco, wch. may be done without much difficulty considering ye scituation of ye country; no man knows every part of it better then myself, but ye doing this service efectually will require more time than is possible for me now to spare, since I must goe to Curatucke, another small hole where much mischief is yearly done, when I visit those places I resolve to return Northwards by croosing the Bay in a sloop and so travel home all along ye Eastern shore of both Provinces and inspect the several officers there settled, wch. will be a work of some time, and therefore I do resolve God willing to begin this work very early in ye spring. I have in my former laid before your Honours ye state of H.M. Revenue in Pensilvania for about 9 or 10 years past. I shewed what part of it hath been received by Mr. Randolph, and what remains still in the hands of the former Collectors and others, of which I have full proofe. Nothing hinders ye recovering ye money, which is considerable, but your Honours' orders and a person impowered as H.M. Attorney General to discharge ye party, ye want of which is ye only pretence they have to keep H.M. money so long in their hands. Mr. Penn's Naval Officers refuse to deliver me ye forfeited bonds yt. I might put them in suit for ye Queen, under pretence yt. they want an order from your Honours. I think myself sufficiently qualified to demand them *ex officio* as Surveyor General, but they are pleased to make use of this shuffle to delay time, knowing yt. some of their friends are concerned and will be brought on ye stage when some of those bonds are put in suit. I do most humbly beg your Honours' spedy orders in those and other matters of moment wch. I have laid before your Honble. Board. *Repeats part of preceding.* I have fully discoursed H.E. Governor Nicholson concerning ye most proper and best ways and means of securing ye Trade of these Provinces, and prevent all illegal practices, and to do it at ye least expense to H.M., which we conclude must be by a small briganteen wth. an active man Master and about 20 brisk men, who may be wholy at ye command of ye Govrnor. to turn out ye Master in case he should be negligent or remiss in his duty, this vessel to be always in motion from one River to another and from one Province to another, as ye Govr. or ye Surveyor Generall shall see cause; this briganteen thus constantly imployed will be sufficient to secure ye trade of Virginia, Maryland, Pensilvania, North Carolina, and may once a year go to South Carolina and Providence Islands, which will be of great service; this vessell will save ye Queen ye charge of sending a small man of war for yt. purpose, which hitherto hath been done and hath put H.M. to three times the charge without any ways answering ye end; ye Capts. are above all command and do find one pretence or other always to be at anchor; when she should be cruising, she is out of order, her men wanting, ye Capt. sick *etc.* H.E. proposes my residing in Virginia and Maryland ye winter half yeare,

1703.

wch. is the chief time for ye Trade in those Provinces, and to reside in Pensilvania, New York and the Northern Govermts. ye summer halfe year, wch. will best answer ye Trade of those parts, so that I shall always be in motion with ye briganteen and thereby effectually answer ye end proposed, besides in case of any extrodinary occasion in time of war this vessell may be sent with an express to H.M. *Refers to Custom House details.* Mr. Randolph since his last coming over seized two ships without ye least ground yt. I could find, one in Maryland, which was cleared, and ye owners sued him for damage, the other a little before his death on ye Eastern Shore in Virga. I have examined into the matter and can't find the least culler for it, the pretence was a parcell of Irish linnen, for which there is a true and full certificate yt. ye duty was paid in England. *Signed*, Robt. Quary. *Endorsed*, Recd. Dec. 9, 1703, Read Feb. 16, 1703(4). 3 *pp. Copy.*

1150. iii. John Moore to Col. Quary. Philadelphia, Sept. 7, at 6 at night. I just now came from our Court. After opening it, Mr. Ashton ye Clerke, by virtue of a dedimus potestatem, much with ye stamp with ye other of Chester, proceeded to give Mr. Guest, Capt. Finney, Andrew Bankson, and Edward Farmer (justices), who they had picked up to serve a turn, and myself and ye new Sheriff, ye severall oaths required by Act of Parliament, ye last of which was that of Abjuration of ye pretended Prince of Wales, sevll. of the Quaker Magistrates sitting by; which done Ashton applied applied himself to them to qualify themselves by an affirmation, whereat a heat arose, and they were very warm against ye taking ye Abjuration, alleadging 'twas not required of them, nor reached ye Plantacons *etc.*, and amongst ye rest ye Mayor and Mr. Griffith Jones begun to be hot and called it an imposition; they were told that ye Queen's order required them to qualify themselves for ye offices of Judges or Justices, and one of ye oaths requisite was in ye said Act; and yt. H.M. had been gracious to them in extending ye Affirmation Act hither. One of them replyed, 'twas true ye Queen (he believed) designed them a favour, but ye Penman of yt. Order was no Friend of theirs, or to yt. effect; in short they took till ye afternoon to consider of it; and after dinner Samuel Richardson, Nathan Stanbury, Jno. Jones, Roland Ellis and Griffith Jones came to Court (but we saw no more of ye Mayor and President, Mr. Edward Shipen). Then Ashton proposed ye Affirmation to them again, one of them said, they would comply with ye other attests, but that containing ye Abjuration of ye Prince of Wales, they would not. Mr. Ashton bid them go on till they would stop, so they digested two Acts and the Declaration, but when they came to the aforementioned Abjuration Oath, it stuck, and would not goe down, upon which a whispering began how far it was safe to joyn with them in holding a Court, but the occasion was soon removed, for calling ye Grand Jury, ye Bible was preferred to ye Foreman (being no Quaker) to take ye oath of a Grand Jury man, which he readily complied with; but before he was sworn, Griffith Jones stands up and acquaints ye rest how serviceable he had been, and how ready he was still to serve his country according to ye long practiced custom of Attestations, but that he conscientiously scrupled ye taking any oath himself, and by ye same rule durst not administer any oath to another, and so could not concede to yt. part of ye directions in ye abovesaid order of ye Queen, to admitt oaths, and therefore for his part he must withdraw and leave them; to the same tune danced all ye other Quakers and left ye swearing Magistrates to themselves to do yt. work, but are resolved to continue their acting as Councillors and Governors of the Province without qualifying themselves: the Court proceeded to impannell a Grand Inquest halfe mild, halfe stale, Jurors and Affirmants, and after a long winded charge out of ye Judges' Common Place adjourned for to-night; thus I have tyred you and myself with this day's history, and you may guess how ye rest will be managed. No news of ye Collectors swearing yet. *Signed*, Jo. Moore. *Endorsed as preceding. Copy.* 2 *pp.*

1150. iv. Henry Brooke to Col. Quary. Port Lewis, Nov. 12, 1703. On Aug. 11th, coming back to Lewis from a Gentleman's house where I had diverted a day or two, I was told the night before yt. a vessel of flyboate make came to an anchor under the Cape. It happened that some of H.M. Company were att that time ashoar (vizt.) one who called himself purser, a volunteer and two other handes; of the former I demanded from whence they were, wither bound and how quallify'd for sayling; they answered yt. they belonged to one Capt. Henrey Pullen, Commander of the *Fame*, a privateer fitted out for the South Seas by Commission from the Prince; that as they were on their way thither as far as the Canaries, they came up with a Frenchman, close on board Tennereiff, whom they fought, boarded and took, but the whole crewe escaped in their boats. Pullen altered his design to the South Seas, and committing the prize ship to Samuell Burgess, his first Lieutenant, with 15 other hands (of which number they were) ordered him to make sail to Rhoad Island; that scarcity of water had forced them to bear in with the first lande they were able to make, wch. was the Capes of Delaware, and that their whole business ashore was to fill their casks. To give coulour to this story, they shewed a

1703.

copy of Pullen's Commission to Burgess. Having this information and finding by the premisses that she could not be condemned as lawful prize, and it not appearing that the instruments abovementioned were genuine I thought it might be good service to stop them till they were able to make good their allegations, and in order thereto opened my designe to Samuell Rowland a neighbour, who had then a good sloop in the Port; he advised that the prize, laying in the open bay having a fair wind and being in all probability better manned then had been represented, was not in our power, but, says he, there now offers something yt. may be improved to a discovery of their force, for two of the hands ashoar mutiny and refuse to goe aboard, the other two want help aboard. I'le offer myself to that service, take notice of their strength and report it at my return to you. I liked his designe, he pursued it, and the next morning (or about midnight) came back bringing with him the commanding officer, Burgess, sayd purser and two other handes. He reported that the number of men was as related, yt. they had good small arms and 12 guns. Soon after their landing the mutineers were said to be runn away, the Capt. charged Rowland with having a hand in it. Rowland denyed it with much passion, and thereupon followed a very angry contest betwixt them wch. lasted all day without any show of reconcilement. In the meantime, having considered that 6 of the prize crew were ashoar, and if those were once secured, their number would be so much weakened yt. in all likelihood I might procure hands enough to take ye rest, I went down to the Sherreif's house, wch. is about a mile from the Town and dealte with him to take ye men into custody wth. such arguments as I thought might best show ye advantage of yt. service. He objected an uncertainty in the knowledge of their numbers, the backwardness of the countrey people to give him due assistance (wch. he sayd he had proved in a like case) and the madness of making an enemy of one that offered no injury. I answered that were their numbers more or less, I was well informed that they had only one boat belonging to them, wch. was now in ye Creeke and might be either sunk or dragged with oxen into the woodes, and so all communication cut off betwixt those ashoar and those on board; that if ye people deny'd assistance, I would joyne with him to report their contumacy to the Govermt.; that a pyratt was a common enemy, and that he now had him in his power, he and his men lying drunke and asleep in the towne streets, but there was no reasoning him into action. Whilst this was doing, trusty Rowland was letting Burgess into the secret, as I am since informed from ye Sherreif. I went to Mr. Thomas Fenwick, a J.P., and exhorted him to grant his warrant to the Constable for the same service; he said to the same effect, adding that they did not appear to him to be pyratts, and yt. the Constable was not at home. To obviate the first, I desired to be written Informer in the warrant, and for the second I sent a man and canoe for ye Constable att my own charge, and agreed to pay the Constable for half a day's lost labour. He came, and sometime after the Justice had prepared a forme of warrant, wch. he carryed to the Constable, but at the same time told me the men were escaped. I enquired into it att their Inn, and had the story confirmed. I was now at a loss wt. to do, when I heard a murmuring amongst the people yt. if I woulde but demande their assistance, they were ready to run all hazards wth. me. I immediately agreed with the Sherreif for the use of a small yatch of his, promising to stand to all damages, yt. done, I went about to find aid. There were some 8 men to be mett wth. only, the rest were elsewhere in their hay harvest etc. Of these 8 one when he heard my business slunke out of the way, two, John Miers and John Steward, repulsed me with threats, the other five consented to goe with me, if I could make them up a competent number for the service, wch. not being to be done, and only one of this number having arms, I dismissed them. I was now a second time at a stand, when behold to my great surprize, Rowland's sloop appeared under sayle and standing out of the creek. The quarrel that had all day long been managed betwixt him and Burgess made me suspect Burgess had taken him in revenge. To be better informed, I went down a second time to the Sherreif's house, wch. stands near the Creekes mouth, and there found Burgesses purser and men ashore buying cider and filling their water casks. I asked them severally after Rowland's motions, but they all pleaded ignorance, whereupon I made what haste I could back to town to give fresh notice where the men were, and in my way observed Rowland bearing down full sayle upon the prize ship. Accordingly I gave notice to the Justice and Constable, who in some half-hour's time had gathered 5 or 6 men, and went some half way to the Sherreif's; being there, upon a thought they were not number enough to act securely, they turned back for fresh forces. After another half hour, the Constable with a larger number went down again, but by yt. time ye men were gott into their boat. It was now evening, when I and several other persons observed Rowland first alongside and then to fall astern of the prize ship and a boat to come and go betwixt them. I had at my last return from the Sherreif's (upon hopes ye men ashoar would not escape us) procured two horses and a guide to be in a reddyness to ride post to Philadelphia to begg aid against ye vessel. But ye next morning ye prize ship was seen to stande out of the Capes and Rowland was runne up the River. I have since heard that Rowland was seene to take a hhd. of Tobacco on board his sloop, of wch. I am now procuring affidavits. *Signed*, Hen. Brooke, Collr. *Endorsed as preceding.* 2¾ *pp.* [*C.O.* 323, 5. *Nos.* 19, 19.i.–iv.; *and* (*without enclosures*) 324, 8. *pp.* 349–371; *and* (*No.* 1 *only*) 5, 970. *No.* 13.; *and* (*memoranda only*) 5,1262. *Nos.* 52.i, ii.]

[Oct. 15.] **1151.** Copy of a Dedimus from the President and Council of Pennsylvania. "In pursuance of an Order of the Queen in Council for the more ample qualification of Judges, Justices and other officers in the said Province and Territories, we do nominate and appoint Walter Martin to administer unto John Blunston, Caleb Pusey, Jonathan Hayes, Philip Roman, Robert Pope, and Ralph Fishbourne, Justices of the Court of Common Pleas and of the Peace for the County of Chester, all and every such matters and things as in pursuance of the Queen's said Order are necessary and requisite for the said Justices' qualification and enabling them to act, *etc.* Council Chamber, Philadelphia, 26th day of the 8 mo. in the second year of the reigne of our Sovereigne Queen Anne over England." *Signed*, Wm. Clarke, Griffith Owen, Caleb Pusey, Edward Shippen, Sam. Carpenter. *Endorsed*, Recd. Dec. 9, Read Feb. 16, 1703. 1 *p.* [*C.O.* 5, 1262. *No.* 52.]

Oct. 15. **1152.** Minutes of Council in Assembly of Jamaica. The Governor and the five members of the Council present, the Clerk and Provost Marshall took and subscribed the Oath of Abjuration.

The Governor acquainted the Board that Major Houldsworth and Capt. Nedham came to him from the House last night to know when there would be a Council, to which he answered he believed in the morning.

Message from the House desiring to know if there was a Council, which the Governor told them there was.

Four Acts, for raising a Revenue; an Additional Duty; H.M. Quit-Rents; and for making the Cay whereon Fort Charles and Fort William stand a port of entry, sent up. Whereupon the Board unanimously advised the Governor that in regard several Members elected into the House are kept out by them, that the Bills be not read, but that it be referred to the consideration of a full Council, which the Clerk of the Council was ordered to summon to be here on Tuesday next. [*C.O.* 140, 6. *pp.* 540; *and* 557, 558.]

Oct. 16.
St. Swithin's Lane.
1153. Sir Gilbert Heathcote to the Council of Trade and Plantations. In answer to your commands of 14th inst., the Act of Jamaica for settling the seat of Trade at Kingstone was putt in execution upon the Governour's passing his consent, and

proclaimed on Port Royall, Kingstone and Spanish Towne by beat of drum, and then all the priviledges of Port Royall ceased, and the publick offices were removed to Kingstone, vizt. the Receiver Generall, Navall Officer, Collector and the Secretary, where they still remaine. And upon the encouragement of that Act, most of the merchants of Port Royall and others fell vigorously to build dwelling houses and warehouses at Kingstone for their conveniency of trafique, and at the departure of the last fleete many good and substantiall buildings were finished and a great many raiseing, which hath allready cost the owners vast summes of money. Now if this Act should not pass the Royall assent, and the seate of trade be removed againe to Port Royall, the consequences will be allmost as fatall to abundance of people as the fire at Port Royall was. These accts. I have from Col. Edlyne and others lately come from Jamaica. *Signed*, Gilbert Heathcote. *Written on margin*. Since writing this I have received the inclosed from Col. Lawes. He has lived 40 years at Jamaica, has been long of the Counsel and Chiefe Justice of the Island, has a generall good character both of his honesty and understanding, that I have a great opinion of his judgment. *Endorsed*, Recd. Read Oct. 18, 1703. *Addressed*. 1 *p*. *Enclosed*,

1153. i. Col. Lawes to Mr. Heathcote. Thistleworth, Oct. 16, 1703. By the Instrument of Government granted to the Island of Jamaica, the Governour, Council and Assembly have power to make Laws not repugnant to those of England, which are to be of full force and effect untill H.M. pleasure be signified to the contrary. Soone after the unfortunate fire at Port Royall, the Assembly mett and the merchants and people generally seeming resolved never more to trust their lives and estates upon that fatall spott, subject by Nature to many more accidents than any part of the maine land, that Law was made to settle the whole trade and sufferers of Port Royall at Kingstone. Under umbrage of that Law, the best lotts of land, and in perticular the Front Streete was given to the Freeholders of Port Royall, which looked so much like an equivalent that lotts were bought and sold from 100*l*. to 200*l*. a lott. And the People removed their Bricks, bought Timber, and began to build many Houses, some whereof were finished before I came away. And presently after the passing this Law, all the ships that arrived delivered at Kingston. And the late Greate Fleete (as well as that expected) except five which were loaden before the Fire, were all loaden there with great dispatch. The People still continue to build and provide conveniencys for Trade, and think themselves safe, believing the Law on their side; but if the Law should not be confirmed here, then all that they have done is lost, and the damage must be very greate. 'Tis true some of the Port Royall Freeholders have returned or kept there, and built some small houses, and done other things contrary to that Law yet in force, and they have been encouraged thereto by some persons there and advices from hence. But how farr they ought to be countenanced, and the others discouraged who act under the security of the law, as they will be if this Law does not pass, is worth considering. The Forts at Port Royall yet standing, the Assembly have wisely provided an Additional Subsistance for so many of H.M. Forces as may be thought fitt to man them, untill others may be erected on a more defenceable Pass. And Col. Lilly sayes that the ships and trade are more secure at Kingston without a gunn than at Port Royall with all its present Fortifications, and for his opinion I referr to his Report, 1695. I am wrote that if the Law does not pass, the new Builders at Kingston must suffer a far greater callamity than when deceived after the Earthquake. Then they had onely Orders of Councill for what they did, now they proceeded on the Publick Faith of the Act of Governor, Councell and Assembly, and they think themselves miserable, if after they have passed a Law, they shall be thought improper Judges of that, or where the Chiefe Towne and the seate of Trade for the Island's use shall be established. *Signed*, Nicholas Lawes. *Addressed. Sealed.* 1½ *pp.* [*C.O.* 137, 6. *Nos.* 9, 9.i.]

Oct. 18. **1154.** Justices and Vestry of Kingston to the Governor and Council of Jamaica. After the late dreadful fire at Port Royal, there were two Acts passed that Kingston should be henceforth the chief Port of Trade, *etc.*, upon which many have laid out considerable sums of money in building houses *etc.*, which still they continue daily to increase, and whereas by the absence of two and the exclusion of the third, this parish hath no Representative in this present session of Assembly, where, from 29, their former Quorum, they have reduced it to 21, and there is a Bill past and now before the Council for making the Key, whereon Fort Charles and Fort William stand, a Port of entry for lading and shipping goods, *etc.*, which if past, Petitioners conceive will absolutely defeat all the weighty reasons contained in the former laws for establishing this the Port of delivery, and will be the utter ruin of a great many who have laid out, some a considerable part of their substance, and others their all, in building conveniences for the aforesaid purpose, to which they were moved and incouraged by the publick faith and sanction of the Government. *Pray for* the weighty reasons given in the former laws to be considered and the great hardship this parish lieth under by the want of its Representatives to offer their reasons against this bill, which may also be the case of many other parishes, whose Representatives being excluded, their advice in this so weighty affair could not be consulted *etc.* Ordered to be presented to H.E. and Council by Col. Richard

Thompson and Samuel Kirshaw. *Endorsed*, Recd. Read Jan. 26, 170¾. 1 *p.* [*C.O.* 137, 6. *No.* 33.]

Oct. 18. Whitehall. **1155.** Journal of Council of Trade and Plantations. Letter from Sir Gilbert Heathcote, Oct. 16, read.

Paper by Messrs. Way, Egans *etc.* read. They added that all they intend by their solicitations is that Port Royal may be left in the same state it was in relation to the legal rights belonging to it before the passing of those Acts, and that otherwise they do not oppose anything that may be desired for the advantage of Kingston, provided it do not prejudice their property nor take away their former priviledges. If the reasons they have already given against the Acts do not seem weighty, they desire to be heard by their Council in relation to property before any report be made.

Letter from Col. Codrington, Aug. 8, read. Ordered that a copy be sent to the Earl of Nottingham, with a letter from the Board (Oct. 19).

Ordered that the Secretary write to the Attorney and Solicitor Generall to desire their reports upon the Plantation Laws in their hands.

Oct. 19. Letter to Lord Nottingham signed.

Letters from Lt. Gov. Handasyd, May 23 and 30 and July 5 and 7, again considered. Ordered that the Secretary desire of Mr. War a copy of the answer returned by the Lt. Governor of Jamaica to the Earl of Nottingham's letter, relating to the French and Spanish trade, mentioned in the letter of May 30. Ordered that paragraphs from the same letter and that of July 7 be sent to the Earl of Nottingham.

Two letters from Lt. Gov. Handasyd, with enclosures, Aug. 27, read. Ordered that copies and extracts be sent to Mr. Burchet.

Ordered that a Representation be prepared with the opinion of this Board that the Act of Jamaica *for encouraging privateers and other seafaring men* may be repealed.

Oct. 20. Letters with extracts ordered yesterday signed.

Upon further consideration of the Minutes of the Assembly of Jamaica, directions were given for several additions to the Report intended to be made upon the Act relating to privateers and upon other affairs of that Island.

Letter from Mr. Attorney General read. Reply ordered.

Letter from Mr. Sansom, Oct. 14, read. Ordered that copies be sent to Col. Nicholson and Col. Quary of said letter and the letter of the Board to him, Oct. 12. [*C.O.* 391, 16. *pp.* 227–237; 391, 97. *pp.* 609–622.]

Oct. 18. **1156.** Journal of Assembly of New York. Bill for levying 1,300*l.* etc. read a second time and committed.

Oct. 19. The House waited on H.E. and presented their Address, which he received with expressions of much satisfaction. The Address:—We joyfully embrace this opportunity of testifying our satisfaction in the agreeable expressions contained in your Excellency's Speech and H.M. most gracious Letter, *etc.*, *etc.*

The petition of Alderman John Hutchins, Administrator to Robt. Burgess, late of N. York, was presented to the House, and read, praying leave to bring in a bill to enable him to sell the lands of Burgess to pay debts: it was ordered to lie upon the table. [*C.O.* 5, 1185. *pp.* 103–105.]

Oct. 19. **1157.** Attorney General to William Popple. I have several of the Laws relating to the Plantations by me and expected to have heard of the Agents, but none of ym. have ever been with me. Mr Pen was with me about his lawes and I desired to see his Charter, wch. he promised to send to me, but hath not yet done. I hope the Lords Commissioners will be pleased to order him to send me a copy of his Charter, and the Agents of the other Plantations to attend me, and the report of the Laws shall not be delayed. *Signed*, Edw. Northey. *Endorsed*, Recd. 19th, Read Oct. 20, 1703. 1 *p.* [*C.O.* 323, 5. *No.* 20; *and* 324, 8. *pp.* 260, 261.]

Oct. 19. Bermuda. **1158.** Lt. Governor Bennett to the Council of Trade and Plantations. Since mine of Aug. 9 last, sent by the ship *Charles* belonging to this place, I have received six pacquetts from your Lordships, containing letters of March 19, 170½, and duplicate of the same, with orders to proclaim H.M., which accordingly was again done on Aug. 19; of March 17, 170½, and its duplicate, relating to a sloop condemned at Providence, and other matters of which I have given your Lordships an account long since; of Aprill 13, 1702, directing me to make use of the publick seale with H.M. warrant for the same; of March 16, 170½, relating to the holding of Courts of Admiralty. There has been none since I came; but the Secretary assures me that those Courts were held by my predecessors by virtue of their Commissions for Vice-Admiralls; of Nov. 11, 1702, which as in my last, was for a publick thanksgiving, and was accordingly strictly observ'd; of November 13, 1702, and duplicate from Mr. Popple, which I have already answer'd, and now again by the papers herewith enclosed, and as to that part relating to Counsellors and Decrees in Chancery I shall observe accordingly; of Aprill 20, 1703, and duplicate relating to Courts of Justice, I have and shall take all possible care therein, and also recomend to the Assembly the passing a Law for constituting an especial Court for determining of small causes according to your Lordships' commands, if the Act for that purpose amongst the rest herewith transmitted is not thought by your Lordships sufficient; and likewise will take care to transmitt an abstract of all causes determined and depending, with the Proceedings thereon, as soon as they can be transcribed; of Aprill 29, 1703, and duplicate thereof; and of March 2, 170⅔, and March 25, 1703, whereby I am convinced that my letters are some way intercepted, having sent six pacquetts between Sept. 5, 1702, and Aprill 3, following, and I do not find by your Lordships' letters, that any of them arrived, but that of Sept. 5 and Dec. 24 last, soe that by such management I may very well suffer in H.M. and your Lordships' opinions, if it was concluded my silence argued me guilty of what Mr. Larkin had alledged against me; but I hope long before this can arrive, that affair (by my last pacquett sent with my Secretary in the *Charles*) will appear in its true light, or time given me to come over and justify myself. The letters from my Lord Nottingham, mentioned in that from your Lordships of March 25, I received, and gave his Lordship an account thereof. I also received H.M. bountifull order for augmenting my sallary, and will have all due observances to them, as in my last pacquett of Aug. 9. I have also now transmitted an account of what Commissions I have given out, with a copy of one of them and also copies of Commissions granted before my time, and would gladly know (as your Lordships are pleased to charge me with) wherein I have been remiss in not transmitting particular accounts of transactions that has happened in this Government, that I may the better know how to comply with my duty. If my negligence is meant concerning Mr. Larkin's management, I hope your Lordships are satisfyed by what I have herein before writt about my letters miscarrying; of May 27, 1703, that part of your Lordships' letter concerning Mr. Larkin was comply'd with long before the receipt thereof, as may appear by the papers herewith sent, but everything cannot be so clear as if I were present to explain, which I hope will not be denyed me, since I hear Mr. Larkin is gone home to plead his own case, and I am very well sattisfyed your Lordships will not suffer me to fall a sacrifice to the pride and mallice of my adversary: in this letter your Lordships seem to charge me with neglect, in not sending the Proceedings of the Councill and Assembly, with the accounts of the Revenue, and all the other publick transactions, according as directed by my Instructions. My Lords, as for the Proceedings of the Councill and Assembly, there has been nothing in either material since the death of his late Majesty, but what relates to Collonel Day, Mr. Larkin, Mr. Jones the late Sherriff, Judge Nelson and Dr. Starr, which has been and is now transmitted, and as for the accounts of the Revenue, they have lain a long time before one Mr. Spofforth, who is appointed Auditor Generall, and has been sick and not capable to examine them; I also received H.M. warrant for remitting a fyne of 50*l*. set on Coll. Day, and sattisfaction is accordingly entred on record, I likewise received H.M. order for the discharging Mr. Larkin out of prison, in which place he was put for no other cause but to preserve the peace and quiet of this Government, and might when hee pleased have been released, on condition immediately to depart on H.M. service, as appears by the papers herewith transmitted, and has been gone from hence ever since Aprill 27 last. I shall forbear here to mention the usage I have mett with from that gentleman. But, my Lords, I think my fate is very hard, for after suffering all those affronts, reflections and abuses that I have, I should be so unhappy to be under H.M. and your Lordships' sensures, when I am the most injured person. By repeated advices from severall places, and from Curicao I am informed that the Governour thereof has called in all the Privatteers, and permitts their vessells to trade with the Spaniards, soe that between that place and St. Thomas's our enemies will never want what they can furnish them with. I have herewith sent the Proceedings against one Daniel Smith about piracy, and examinations taken before the Right Honble. Sir Charles Hedges, who did not thereupon think fit to commit him, but upon the motion of Mr. Larkin and affidavit of Collonel Day (which is also transmitted) he was again taken up on the same account, and is now under confinement, and I desire your Lordships' directions what must be further done therein, for I do not perceive new matter sufficient in Coll. Day's affidavit to bring him to a new tryal; besides Collonel Day is dead. I beg leave to observe one thing more to your Lordships, that when the Proceedings above mentioned were produced to me, I sent them by my Secretary to Mr. Larkin, and desired to know whether the name Richard Crawley, Register, was Mr. Crawley's own hands, which I had great reason to beleive he was well acquainted with, but he sent me word, if he did know, he would not satisfy me, which I thought in such a case as that (besides the unmannerly answer) was part of his business, but such slights and contempts he had accustomed me to, which with patience I endured, depending on having reparation at home, which I doubt not of when matters are rightly understood. By a Master of a vessell belonging to this place, that came from St. Thomases, I am informed that on the 28th of the last month arrived at Martineco, 29 sail of French ships, 5 whereof were men-of-war from 60 to 80 guns, and adds that he heard that there were a great many Dutch and English prisoners in that place, the former of which has the liberty of town, but ye latter are closely confined, the reason for which different treatment is (as I conceive) because the Dutch from Curicao trades with the Spaniards; he further tells me that at that time, when he was at St. Thomas's, two English sloops besides his were in the Harbour, all which came from the northward laden with bread, beer, flower and bacon. I asked to whom they sold their provision; he told me to the French or any body, and said the reason why they chose to go to that Port was, because it's to a better market than any of our English Plantations. Hee also gave me an account, that a Privateer belonging to Jamaica, in his cruise met with three Dutch vessells returning from trading with the Spaniard, all which he took, having a considerable number of pieces of $\frac{8}{8}$ on board, besides other rich goods. On the 12th, 13th and 14th instant were tryed here for piracy five persons, but were all acquitted; four of which were one Captain Pulleyn's men, who intended when he came out for the South Seas, but having great reason to suspect his men's intentions of seizing him, and go with the ship where they pleased, he brought her in hither. In the whole course of the evidence on the tryal, it's convincing they, his men, had a design to run away with the ship; the reason why I could not transmit their tryalls at large now is, because they are long, and this pacquet being so to, I could not accomplish both, but will with all expedition send them by the way of Barbados. This poor gentleman, Captain Pulleyne, has been very unfortunate in his undertaking, for on July 21 he came into this Port, under all the confusion with his men imaginable, and on Aug. 16 his ship took fire by the carelessness of one of the Purser's servants, who by drawing of brandy in the Lazeretto, somehow took fire from ye candle, and all was in a flame in a minute, and after 4 hours burning it blew up. On the 16th instant I received from the Royal African Companies Agent at Antegua, H.M. Order of July 26 last, relating to the securing of the goods and effects belonging to that Company, that should be brought here by one Humphry Chishull and Captain Daniel Johnson from Gamboa, which upon suspecting the Captain's mismannagement, I had done before, but Chishull is still (as I suppose) att Gamboa. What I have secured I doubt will fall much short of the Companies expectation, for this Johnson had been at St. Thomas's and sold all his elephants' teeth and wax, and also at Carolina, and there disposed of several negros, and bought a sloop in which he came hither, and was very pressing to return to Gamboa, but I refused him unless he would make up his accounts, and give good security for his faithfull proceeding on the Companies behalf, which was not complyed with before my receipt of H.M. Order, and all that I can propose to do with him is, when I see his accounts to get what I can for ye Company, and then secure him till I receive their further orders, of all which I have sent a particular to the African House by the same conveyance with this. From Carolina I am informed that the Spaniards from Cuba came to the number of 200 in Pereaugres and landed in the night, near the Fort at Providence, and got undiscovered into the same, and became masters of it, without opposition, they then marched into the Town, which they burnt and destroyd, most of the inhabitants making their escapes into the woods. But they took the Governour and carryed him with them, after continuing thirteen days in the place. There were 4 sloops in the harbour, which also became their prise. The plunder they gott was not considerable, the people expecting them, therefore had hid the best of their goods. *Signed*, Ben. Bennett.

P.S.—By a vessell now here that came in distress from Antegua and bound to Bristoll, I have transmitted a copy of all Laws now in force here. It was impossible to get a triplicate ready of my packett, relating to Mr. Larkin, but I have now transmitted to my Lord Nottingham the whole matter in dispute between us, which I beleive will arrive before your Lordships, which I sent in a Pink called the *Amity*, but I thought convenient to devide the packets for ye more probability of one of them arriving safe. I am now about the tryals of the men who were accused of piracy, and will transmit them by way of Barbados. I have received this further advice from a prisoner who by favour was permitted to come away from Martinico, and says that 20 sail of Merchantmen arrived there, and five Men of War, their force being only four of them from 50 to 60 guns, the other a small vessell. He adds that when any Dutch prisoners are brought in, they are immediately sent to St. Thomases, but the English for Old France. *Endorsed*, Recd. Dec. 14, 1703, Read June 1, 1704. 8 *pp*. *Enclosed*,

1703.

1158. i. Abstract of preceding. 4 *pp.*

1158. ii. Minutes of Proceedings of the Admiralty Court relating to Daniel Smith on a charge of piracy, Nov. 11, 1702. *Duplicate of No.* 1014. li. *Endorsed as preceding.* $3\frac{1}{2}$ *pp.*

1158. iii. Deposition of Lt. Gov. Day. *Duplicate of No.* 1014. l.

1158. iv. Deposition of Daniel Smith. *Duplicate of No.* 1014. xlix.

1158. v. Deposition of Lt. Gov. Day. *Duplicate of No.* 1014. xlvi.

1158. vi. Deposition of Gilbert Nelson. *Duplicate of No.* 1014. xliii.

1158. vii. Deposition of Samuel Stone. *Duplicate of No.* 1014. xlvii.

1158. viii. Deposition of Samuel Stone. *Duplicate of No.* 1014. xlviii.

1158. ix. Deposition of Richard Gilbert, sr. *Duplicate of No.* 1014. xlv.

1158. x. Deposition of John Dickinson. *Duplicate of No.* 1014. xlii.

1158. xi. Deposition of Richard Gilbert, jr. *Duplicate of No.* 1014. xliv.

1158. xii. Deposition of Col. Wm. Outerbridge. *Duplicate of No.* 1014. xl.

1158. xiii. Deposition of Tho. Hall. *Duplicate of No.* 1014. xli.

1158. xiv. Copy of proceedings against Daniel Smith for piracy and his examination before Sir Ch. Hedges, Sept. 1700. *Endorsed as letter.* 7 *pp.*

1158. xv. Copy of proceedings in Col. Day's time against Samuel Gilbert for seizing a Spanish periago. *Endorsed as preceding. Duplicate of No.* 1014. liv.

1158. xvi. Remonstrance of William Outerbridge and others. *Duplicate of No.* 1014. xxxix. [*C.O.* 37, 6. *Nos.* 2, 2.i.–xvi.; *and* (*without enclosures*) 38, 5. *pp.* 472–484.]

Oct. 19.
Whitehall.

1159. William Popple to the Attorney and Solicitor General. The Council of Trade and Plantations have ordered me to acquaint you that H.M. service in the Plantations requiring from them a speedy inspection of the Acts of the Assemblies, they desire your opinion with all convenient dispatch upon those four which have been sent to you by their order. [*C.O.* 324, 8. *p.* 260.]

Oct. 19.
Whitehall.

1160. Council of Trade and Plantations to the Earl of Nottingham. We enclose a copy of a letter from Governor Codrington, whereupon considering his request that he may be permitted to return to England by reason of his great want of health, we desire your Lordship would please to lay the same before H.M., with our humble opinion that leave may accordingly be granted him, and that in this conjuncture it will be necessary for the security of those Islands that another Person be forthwith appointed for that Government. *Signed,* Rob. Cecill,

1703.

Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *P.S.*—We likewise pray your Lordship to be referred to what is written of the condition of those Islands, occasioned by the increase of Privateers and relating to Commodore Walker's misbehaviour, that those mischiefs may be remedyed. 1 *p.* *Enclosed*,

1160. i. Copy of letter from Governor Codrington to the Council of Trade and Plantations, Aug. 8 (*q.v.*) 1½ *pp.* [*C.O.* 152, 39. *Nos.* 96, 96.i.; *and* 153, 8. *pp.* 212, 213.]

Oct. 19. **1161.** Minutes of Council [*in Assembly*] of Barbados. Robert Johnstoun, presenting H.M. order for him to be admitted of the Council upon the first vacancy, and Thomas Maxwell having lately departed this life, he was sworn a Member.

The Assembly attending, acquainted H.E. that there were not above 12 of them in town, and therefore could not make an House, and desired to adjourn for a fortnight. Whereupon H.E. told them that there was a great deal of business of the highest consequence to this Island, which required a more speedy consideration and despatch, and therefore ordered the Speaker to send to the absent members in his name requiring them to meet on Monday next, and continue sitting three days together, and prepare such business as they had before them, and that H.E. would meet the Council on Tuesday and Wednesday in order to receive them. [*C.O.* 31, 8. *pp.* 123, 124.]

Oct. 19. **1162.** Journal of Assembly of Barbados. The Members present being but 12, adjourned till Munday. [*C.O.* 31, 7. *p.* 118.]

Oct. 19. **1163.** Minutes of Council in Assembly of Jamaica. The Governor proposed to the consideration of the Board what past on Oct. 15, and it being late, the Council desired time to consider.

Oct. 20. The matter was debated and adjourned.

Several Members took the oath of Abjuration.

Oct. 21. The debate about the four Bills was resumed, but the Board comeing to noe resolution, it was adjourned till to-morrow.

Bill to encourage the importation of white men sent up.

And see Minutes of Council under date.

[*C.O.* 140, 6. *pp.* 540–542; *and* 558, 559.]

Oct. 19. **1164.** Journal of Assembly of Jamaica. Resolved that the absent Members lye under the censure of the House.

Oct. 20. The House met and adjourned.

Oct. 21. John Lewis took the oath and subscribed the Test as a Member for the parish of Westmorland.

Bill to encourage the importation of white men was read the third time, and sent up. [*C.O.* 140, 7. *pp.* 135, 136.]

Oct. 20. Whitehall. **1165.** William Popple to Josiah Burchett. The Council of Trade and Plantations having received several papers from Jamaica relating to H.M. ships of war in those parts, they have

1703.

ordered me to send you the inclosed extracts thereof, together with the accounts of the expenses of French and Spanish prisoners mentioned in the last of those extracts, that the whole may be laid before H.R.H. Council in the affairs of the Admiralty for their information, and such directions upon the said accounts as they shall see convenient. [*C.O.* 138, 11. *pp.* 55, 56.]

Oct. 20. **1166.** Council of Trade and Plantations to the Earl of Nottingham. *Enclosing* extracts of letters from the Lieutenant-Governor of Jamaica, relating to the two companies of soldiers sent thither from New England, to the recruits sent from Ireland, and to the pressing of men there by the ships of war.

We have transmitted several extracts of letters to H.R.H. Council for the Admiralty, containing an account of great disagreements between the Lieut.-Governor and Capt. Wavell etc. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jn. Pollexfen, Mat. Prior. 2 *pp.* *Enclosed*,

1166. i. List of Extracts referred to. $2\frac{1}{4}$ *pp.* [*C.O.* 137, 45. *Nos.* 54, 54.i.; *and* 138, 11. *pp.* 57, 58.]

Oct. 20. **1167.** Attorney General to the Council of Trade and Plantations. I have considered the Acts of Barbados, Nov. 17, 1701—March 10. $170\frac{1}{2}$, which I conceive are agreable to Law and do not contain anything prejudicial to H.M. prerogative, save that as to the Act *to prevent freemen, white servants and slaves running from this Island in shallops, boats and other vessels* (wch. is expired), I am of opinion it making stealing or taking away any boat felony, the disjunctive *or* should have been the copulative *and*, for want of which taking away a boat without stealing is made felony, and the power to kill runaways is unreasonable, others being included besides slaves. And except the *Act for ratifying Letters Patents, Grants etc.*, wch. I am of opinion is fit to be rejected, for instead of quieting possessions, as the Act is drawn, it will probably disturb more than it will quiet, for it confirms all Letters Patents, grants, releases, *etc.* without restraining it to such where the possession hath been with the grant, for want of which it will revive defective grants, under which there never was any enjoyment. And although there is a proviso in the Act against reviving any Letters Patents etc. that have been made voyd by Acts, Judgment or other legal ways, yet defective grants, under which no enjoyment may have been, if not legally made void, of which sort there may be many, will be revived; besides it is unreasonable to make defective grants good where for those defects subsequent grants have been, and such are made good by this Act, it making the defective grants good against all persons claiming under the Crown. And except the Act *to encourage privateers in case of a war*, as to which I am of opinion that its giving for ever hereafter to privateers the whole prizes to be taken by them, intrenches on H.M. prerogative and her declaration in favour of captors, and gives away the perquisites belonging to the Admiralty, and disables H.M. men of warr to press on the most urgent occasions any seamen out of privateers, which is undoubtedly in the power of the Lord High Admiral to doe, and therefore I think it fitt the same be repealed. *Signed*, Edwd. Northey. *Endorsed*, Recd. Nov. 4, 1703. Read July 21, 1704. 2¼ *pp.* [*C.O.* 28, 7. *No.* 1; *and* 29, 8. *pp.* 450–455.]

Oct. 20. St. Jago de la Vega. **1168.** Minutes of Council of Jamaica. The Governor communicated to the Board a demand of several necessaries wanting in H.M. Fortifications, on which it was the opinion of the Board that the Captain of the Forts make demands of such of the said necessarys as are in the Queen's stores, and buy up what he cannot be furnished with there, and bring his account thereof to this Board.

Ordered that the Captain of H.M. Fortifications give strict orders to the Master Gunner to turne all the powder in the magazines once every two months. Ordered that the powder be viewed and reported on.

The Receiver General desired the opinion of the Board what he should do with the balance of the money arisen by the Additional Duty, since the Act is expired; whereupon a Committee was appointed to report upon the last Act.

Oct. 21. Upon their report, it was the opinion of the Board that the balance of the Additional Duty was not sunck into the Revenue, but might be appropriated by a New Bill. [*C.O.* 140, 6. *pp.* 178, 179; *and* 191, 192.]

Oct. 20. Williamsburgh. **1169.** Minutes of Council of Virginia. H.E. signed warrants for salaries of officers. [*C.O.* 5, 1412. *pp.* 105, 106.]

Oct. 21. Whitehall. **1170.** Journal of Council of Trade and Plantations. Letter from Sir B. Granville, June 16, again read. Ordered that extracts be sent to the Board of Ordnance and Mr. Lowndes.

Letter from Sir B. Granville, Aug. 3, read, as also one to the Secretary. Letter ordered to be prepared to Lord Nottingham, enclosing extracts.

Letter from Col. Quary, July 25, read. Letter ordered to be prepared enclosing extracts to Lord Nottingham and Mr. Burchet.

Oct. 22. Upon further consideration of what Col. Quary writes in his letters relating to Mr. Mompesson's being constituted Judge of the Admiralty in Pennsylvania, it appearing to their Lordships that Mr. Byfeild's Commission to be Judge of the Admiralty in New England is thereby superceded, ordered that a letter be writ to Mr. Phips to give him notice thereof.

Representation ordered to lay before H.M. Col. Quary's proposal for securing the Trade of America.

Letter to Lord Nottingham, enclosing extracts of Col. Quary's letter, signed.

Letter to the Board of Ordnance signed.

Representation for repealing an Act of Jamaica *etc.* signed.

Letter ordered yesterday to Mr. Lowndes and Mr. Burchet approved. [*C.O.* 391, 16. *pp.* 238–241; *and* 391, 97. *pp.* 625–630.]

1703.
Oct. 21.
Boston.

1171. Minutes of Council of the Massachusetts Bay. 686*l*. 9*s*. 2*d*. paid to Capt. Cyprian Southack on account of the rebuilding and refitting the *Province* galley.

100*l*. paid to Thomas Brattle of the late Committee for the Fortifications making on Castle Island.

10*l*. 9*s*. paid to Corporal Sherebiah Butt on behalf of himself and seven troopers that attended as guards in his late journey to Piscataqua.

6*l*. 15*s*. paid to Col. Wainwright for billeting 50 soldiers, which with 4*l*. 17*s*. paid him by Capt. John Cutler, Commander of that Company, is in full of the said accompt.

9*l*. paid to Capt. Southack for what he paid to make good the loss sustained by Paul Munier of Penobscot, when his house was rifled the last spring.

4*l*. paid to John Cutler, Chyrurgion, for medicines and attendance on some of the men belonging to the *Province* galley, 1701.

Licence granted to Elisha Hutchinson to cover a cellar at the north end of Boston (over against the place where the late Major Clarke's house stood) with a roof of timber.

Licence granted to John Cutler to erect a dwelling-house of timber upon his land situate between the houses of John Walker and Henry Brightman, at the south end of Boston, the front to the south to be roughcast, and the north side carried up with brick.

Licence granted to John Loreing to erect a building of timber in addition to his house situate in Wings Lane (so called) in Boston.

Petition of William Vesey and several others, inhabitants of the town of Braintry read, setting forth that they have at no time consented or subscribed to the maintenance of the Minister at Braintry, nor is there any agreement or order of the Town upon record at any legal town-meeting warned for that affair, setling the sum for his maintenance, notwithstanding which several of them have been destrained upon for sums of money, and praying relief. Ordered, a hearing on Oct. 28, and that the Selectmen of Braintry *etc.* be notified to attend. [*C.O.* 5, 789. *pp.* 538–540.]

Oct. 21.

1172. Journal of Assembly of New York. Bill for raising 1,300*l*. read with amendments, passed and sent up.

Oct. 22.

Message sent down that the Council had passed the above Bill without any amendments.

The House attending, H.E. gave his consent to the said Bill, and adjourned the Assembly till the second Tuesday in April. [*C.O.* 5, 1185. *pp.* 105, 106.]

Oct. 22.

1173. Attorney General to the Council of Trade and Plantations. I have considered the Acts of Barbados, March and April, 1702, which I conceive are agreable to Law and doe not contain anything prejudiciall to H.M. prerogative, except the Act *to secure the peaceable possession of negroes etc.*, as to which I am of opinion that though many parts of this Law (which is not temporary, but perpetuall) may be of use to the planters in Barbados, yet that part of it which prohibits the carrying away white servants without consent of the owners under the penalty of 100*l*., and obliges masters of ships to swear not to carry them away, is not fitt to be approved of, for that children stolen from England and carried to the Barbados cannot be reclaimed and carried away at the instance of their parents, and as it is worded (if otherwise fitt) it is unreasonable, being, if any person shall directly or indirectly carry of, attempt, or cause to be carried of, any white servant without knowledge of the owner, which a man may innocently doe, the words (knowing such person to be a servant) being omitted, and therefore I think this Law with these clauses in it not fitt to be approved. *Signed*, Edw. Northey. *Endorsed*, Recd. Nov. 4, 1703. Read May 3, 1705. 1 *p*. [*C.O.* 28, 7. *No.* 2; *and* 29, 9. *pp.* 294–296.]

Oct. 22. Whitehall. **1174.** Council of Trade and Plantations to the Earl of Nottingham. *Enclose* extract from Col. Quary's letter of July 25, by the first part thereof (which we have likewise communicated to H.R.H. the Lord High Admiral's Council) your Lordship will observe that little Justice is to be expected in Admiralty affairs relating to Trade from a Judge of Mr. Mumpesson's opinion. The state of the Leeward Islands we transmit to your Lordships in order to a due provision for the security of the said Islands. *Signed*, John Pollexfen, Mat. Prior, Wm. Blathwayt, Rob. Cecill, Ph. Meadows. *Enclosed*,

1174. i. Extract from a letter from Col. Quary, July 25, *q.v.* [*C.O.* 5, 1233. *Nos.* 50, 50.i.; *and* 5, 1290. *p.* 386.]

Oct. 22. **1175.** William Popple to Sir Edward Northey. The Council of Trade and Plantations observing by your letter of 19th that you have occasion to look into Mr. Penn's Charter, send you the enclosed copy. As for the Agents of other Plantations, several of H.M. Plantations have no Agents, and very seldome any of them do attend this Board about the Acts of their Assemblies, unless it be in relation to such as are of a private concern, for the Acts being in force there as soon as they are past, in many cases the Agents are not solicitous of having them considered here, because it often happens that some are repealed contrary to their interest or desire. [*C.O.* 324, 8. *pp.* 261, 262.]

Oct. 22. Williamsburgh. **1176.** Governor Nicholson to the Council of Trade and Plantations. This is designed, God willing, by Mr. Jenings (*see* July 23). He carrys with him for your Lordships copys of the Laws, several publick papers etc. I hope in God that his going to wait on your Lordships about these affairs will be for H.M. especial interest and service, for 'tis so designed by me. I'm allso in hopes that your Lordships will find it so, and that you'l receive a great deal of satisfaction by his waiting on your Lordships, and giving your Lordships a just and full account of all affairs relating to this H.M. Colony and Dominion. The 100*l*. which is advanced him towards defraying his charges, I'm in hopes will not be disapproved of by your Lordships, but that you will find by his service to H.M. that he hath deserved a greater reward. I thank God H.M. Revenue of the *2s. per lb.* arrises to more than what I did expect, and I'm [*in*] hopes that the arms, ammunition *etc.* which H.M. was graciously pleased to send hither will be all or most of them disposed of this winter, and that the 3,000 odd hundred pounds will be paid into Mr. Auditor Byrd's hands by Aprill next.

I have given Mr. Jennings copys of papers concerning a Burgess for James City, and I hope yt. there may be no more Burgesses chosen for yt. place. Col. Jennings knows yt. affair very well, particularly how it was managed by a party. By Col. Jennings I send to your Lordships copies of papers concerning the taking up land on the south side of Blackwater swamp, that business was managed very strangely. I have shewed the entrys to the Surveyor Generall here and other Surveyors, who say they never saw ye like entrys, and severall of ym. might have contained as many thousand acres as they pleased, and I suppose yt. some of them should be 10 or 20 thousand, and so to have engrossed all ye good land in these pts., by which means they would have kept other people from seating of it or else have made them pay for it. Mr. William Edwards marryed one of Col. Harrison's daughters, and Brown is a tool of theirs, as likewise Tho. Swan, who is lately dead. My humble opinion is yt. it will most conduce to H.M. interest and service that no person for the future, except whome H.M. will make a particular mark of her favour, shall take up above 1,000 acres. I hope Mr. Byrd will doe me the justice as to give your Lordships an account of what a peaceable state etc. this H.M. Colony and Dominion is in, and how (except a very few) they are very well satisfyed with my Government etc. *No.* 4 is his report about a perfect rent-roll of H.M. quit-rent. Mr. Jennings knows these affairs very well, as likewise concerning ye affairs of lapsed land, about which there is a law by which people claim a right of having a patent for ye lapsed land be ye number of acres never so many thousands. Where I find the persons petitioning for about 7 or 800 acres, and that it doth not appear to me that they are capable of improving it, I doe what I can to hinder them from it. I thank God that this H.M. Colony and Dominion is in peace and quietness, and I hope it will so continue; and I shall not fail in my duty to her most sacred Majesty to endeavour what in me lyes that it may continue so. I herewith presume to send your Lordships a copy of the Grand Jury's Address to me. According to your Lordships' commands to me, Mr. Secretary Jennings hath for your Lordships copies of the Proceedings of the Generall Court since my Government, as likewise of all the County Courts, except one on the Eastern shore, which was caused by the indisposition of the Clerk and great distance of ye place. I hope no body can justly complain yt. they have any designed delays in their tryals, especially in the Generall Court: for do I assure your Lordships that I several days in a Court sit till very late in the night, that business may be dispatch'd. And it hath been my constant orders to the

County Courts not to delay justice, which I think is truly said to be ye denying of it. We have several times but a few of the Councill at our Court. I herewith humbly transmit a list of H.M. Honble. Council (Col. Charles Scarborough is dead) as allso of fit persons to be of ye Councill. The Honble. Col. Robert Quary we can not depend upon: and ye Honble. Col. John Custis his great distance and often infirmitys make him not to be depended on neither. And the Honble. Benjamin Harrison, Senr., hath neither been at Councill nor Generall Courts for above this half year. And in a letter he writ me he was afraid he should never be able to come again. What concerns the trade of this H.M. Dominion, as, likewise particularly concerning the Fleet's coming hither, and the want of goods, Mr. Secry. Jennings can give your Lordships a very good account of these affairs. Col. Quary shewed me what he had written to your Lordships concerning the West Indy trade, which if it be done, I think it will be very much for H.M. interest and service, and Mr. Secretary Jennings knows yt. affair too, very well. His publick employments and good abilitys in all respects, and his now management of affairs, I hope will in some measure cause him to merit your Lordships' protection. There gos with him Col. Danl. Cox, whom H.E. my Lord Cornbury and I have found very active and zealous for H.M. interest and service, since he hath been in these parts, where he hath behaved himself very well in all respects, which makes me hope he will return with Mr. Secretary Jennings whom I hope your Lordships will be pleased to dispatch as soon as possible; for I hope in God there will be no absolute necessity for our Assembly's meeting till I have ye honour to receive your Lordships' commands by him. There is now neither here nor in Maryland any of H.M. men of war to attend either of ye Governments. I'm in hopes that your Lordships will be pleased to move H.M., that the man of war that is sent to be here, may be here some time in Aprill or by ye middle of May at farthest, by which time I suppose the London Fleet may sail from hence. By Capt. Fogg, H.M.S. *Falmouth*, according to my duty I writ to your Lordships, July 23, 24, 28 and Aug. 1; which 4 letters with ye box I hope in God your Lordships have recd. before this. *Signed*, Fr. Nicholson. *Endorsed*, Recd. Dec. 8, 1703, Read Jan. 4, 1703(4). Recd. from Mr. Jennings. 3 *pp.* *Enclosed*,

1176. i. Abstract of preceding. 2½ *pp.*

1176. ii. List of papers sent to the Council of Trade. *Endorsed as letter.* 1 *p.*

1176. iii. Copy of Minutes of Council of Virginia, Aug. 26, 1703, relating to the disposal of arms sent over by H.M.

1176. iv. Mr. Byrd's Report relating to grants of land on the South side of Blackwater Swamp. Williamsburgh, Oct. 21, 1703. I have seen the entrys of the several surveys *referred to*, and find several of ym., especially of ye late Mr. Swan's, so uncertain yt. by reason no quantity of lands or number of rights is mentioned, only natural bounds between creeks and swamps, yt.

1703.

if the same contain many thousand acres more or less is not to be known by the said entrys: and finding an Instruction from his late Majesty directing that no greater tracts of land should be taken up or patented than might reasonably be cultivated, as allso an Address from the House of Burgesses in 1696, praying that no grant should be of those lands exceeding 400 acres to one person, I humbly conceive a great part of those entrys irregular and contrary to the intent and meaning of H.M. Instructions and the Address of the House. *Signed*, Wm. Byrd, Auditor. *Endorsed as preceding.* ½ *p.*

1176. v. Mr. Byrd's Report on H.M. Quit-Rents. Notwithstanding I have (according to your Excellency's repeted Instructions) used my utmost diligence in giving charge to the Sheriffs and taking their rolls under oaths, I am sensible there is still very great abuse therein, and I conceive yt. to cause one or more countys to be surveyed will be a great charge to H.M., and will noway answer the end, since there is in all the countys swamp, marish and barren lands not yet taken up or passed by any tenant, neither can the sherifs be forced yn. to any more certainty than at present, *etc.*, *etc.* The best way would be to oblige the inhabitants to enter what quantity of acres they claim either with the Sheriff or Clark of the County, who should return the same to H.M. auditor who should be obliged to enter the same in a book, which the people may be told shall appear as evidence of their claims whenever any dispute shall be made hereafter. *Signed*, Wm. Byrd, Audr. Williamsburgh, Oct. 21, 1703. *Endorsed as preceding.* 1 *p.*

1176. vi. Copy of the Address of the Grand Jury to Governor Nicholson. General Court, Virginia, Oct. 20, 1703. Having finished the business presented us by H.M. Council, wee proceeded to consider of your Excellency's Speech, wherein you were pleased to express your great trouble to see so many criminals at this time, and out of your pious care and religious zeale for the welfare of this country seem to fear some impending judgment over us, which God of His infinite mercy avert. We are very much troubled to see so many criminals, and return our hearty thanks to your Excellency for your tender care and concerne for us, humbly hoping the personal faults or uneasiness of some few will not affect the generall, where all are so universally concerned for them, at once detesting their wicked actions or designs and imploring God's mercy. In all our stations where we reside we find the country very easy and quiet, without the least disturbance *etc.* *Signed*, Wm. Tayloe, Foreman, Rodham Kennor, James Taylor, Wm. Aylet, Saml. Bridger, Tully Robinson, Geo. Nich. Hack, Phill. Lightfoot, Wm. Bridger, Jno. Waller, Wm. Fox, Richd. Wyat, Jno. Story, Ant. Holliday,

1703.

Wm. Jones, Edwin Thacker, Henry Fox, Harry Beverley, Hen. Duke, jr., Jno. Frayser, Hugh Norvell, Jno. Custis, jr., William Hansford. *Endorsed as preceding. Copy.* 1 *p.*

1176. vii. (*a*) List of the present Council of Virginia. *Signed*, Fr. Nicholson. (*b*) List of those recommended to be of the Council:—Col. Dudley Diggs, who lives about 15 miles off, and hath neither river nor creek to pass. Wm. Churchill, who hath only York River to pass before he comes to Williamsburgh. John Smith, son and heir of Col. Lawrence Smith, who lives about 8 miles from Tyndal's Point, where there is a good Ferry. Col. Wm. Talo, who lives in Richmond County, and has to cross the Rappohanock and York River: his house is about 60 miles off. Col. Wm. Bridger, who lives in the Isle of Wight County, hath James River to cross, and 'tis between 30 and 40 miles to his house. John Lewis, who lives within 2 miles of John Smith. Lt. Col. Wm. Randolph, lives in the Freshes of James River, only a small inland river before Williamsburgh. Col. Gawin Corbin, Middlesex County, hath York River to cross. Col. John West, King William County, hath York River to cross. Robert Bowling, Prince George County, hath James River to cross. Lt. Col. James Ransom, Gloucester County, hath York River to cross. Capt. Thomas Barber lives about 10 miles off. The [last] 6 are of the Assembly and very useful there for H.M. interest and service, so that I most humbly propose that if any are to be made Counsellors now, they may be of the other six gentlemen. *Signed*, Fr. Nicholson. *Endorsed as preceding.* 3 *pp.*

1176. viii. Copies of Proclamations by the Governor of Virginia, (*a*) for proroguing the Assembly Oct. 1. (*b*) for the apprehension of 5 seamen, deserters from H.M.S. *Guernsey*, Oct. 12. (*c*) to H.M. Justices of Elizabeth City County, calling upon them to give Commodore Symonds all possible assistance by supplying him with fresh provisions and seeing that his men are not harboured by such as Anne Burd etc. Oct. 12, 1703. *The whole endorsed as preceding.* 2 *pp.*

1176. ix. Mr. Auditor Byrd's Account of the 2*s.* per hhd. of tobacco exported, 15*d.* per tun for every ship lading here, and 6*d.* per poll for every person imported, April 25—Oct. 25, 1703. *Totals*, R. 3,994*l.* 5*s.* 7*d.* Exp. (salaries), 2,057*l.* 12*s.* 02*d.* Due to H.M. 1,936*l.* 13*s.* 05*d.* *Signed*, Wm. Byrd. *Endorsed as preceding.* 2 *pp.*

1176. x. Transcript of several Orders, letters etc., relating to H.M.S. *Guernsey*, 1703. *Endorsed as preceding.* 8 *pp.*

1176. xi. Abstract of Militia of Virginia, 1703. *Endorsed as preceding.* 1 *large p.*

1703.

1176. xii. Abstract of List of Tithables of Virginia, 1703. Counties: York, 1,279; Richmond, 1,483; Surrey, 844; Charles City, 551(?); Nansemond, 1,117; Gloucester, 294; Elizabeth City, 478; Accomack, 1,061; Northampton, 716; Stafford, 892; Norfolk, 693; Middlesex, 807; Westmorland, 1,229; Prince George, 1,016; Princess Ann, 728; New Kent, 1,482; Henrico, 1,018; Isle of Wight, 734; Northumberland, 1,188; Essex, 1,261; King William, 884; Warwick, 577; James City, 1,435; King and Queen, 1,545; Lancaster, 909. *Total*, 26,771. *Slip.*

1176. xiii. Abstract of all the 5th men taken out of the several troops and companies in Virginia to be ready upon emergencies, 1703. *Totals*, 407 horse, 356 dragoons, 899 foot. *Endorsed as preceding.* 1 *p.*

1176. xiv. Memorandum of Minutes of Council of Virginia, March 19—July 14, 1703. ¼ *p.*

1176. xv. Memorandum of Minutes of Council in Assembly of Virginia, March 19—April 10, 1703. ¼ *p.*

1176. xvi. Memorandum of Journal of House of Burgesses of Virginia, March 19—April 10, 1703. ¼ *p.*

1176. xvii. Memorandum of Minutes of Council of Virginia, Aug. 26—Oct. 20, 1703. ¼ *p.*

1176. xviii. Memorandum of List of ships entered and cleared at Virginia, Feb. 24—March 15, 1703. ¼ *p.*

1176. xix. Memorandum of copy of Laws of Virginia. ¼ *p.*

1176. xx. Memorandum of copy of all the Bills prepared by the Committee for revisal of the Laws. ¼ *p.*

1176. xxi. Memorandum of abstract of proceedings in the General and County Courts in Virginia, Dec. 9, 1698—Oct. 1703. ¼ *p.* [*C.O.* 5, 1313. *Nos.* 33, 33.i.–xxi.; *and* (*without enclosures*) 5, 1360. *pp.* 439–448.]

Oct. 22. Whitehall. **1177.** Council of Trade and Plantations to the Board of Ordnance. *Enclose* copy of Governor Granville's letter relating to the Engineer and Gunners in Barbados. *Signed*, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *p.* 331.]

Oct. 22. Whitehall. **1178.** William Popple, jr., to Wm. Lowndes. Enclosing similar extract to be laid before the Lord High Treasurer. [*C.O.* 29, 8. *p.* 332.]

Oct. 22. Whitehall. **1179.** Council of Trade and Plantations to the Queen. We herewith humbly lay before your Majesty an Act passed in the General Assembly of your Majesty's Island of Jamaica, Aug. 21 last, entituled "An Act for encouraging Privateers, and other sea-faring men and to prevent impressing"; by which it is enacted that if any person or persons shall presume to impress any man that is or shall be an inhabitant of the Island, he or they shall be liable to very severe penaltys, which we humbly conceive is derogatory to your royal prerogative and highly prejudicial to your Majesty's service and may endanger your Majesty's ships of war in exigencys where seamen may be wanted. But on the other side, we are obliged to lay before your Majesty the great abuses that are represented to us to have been committed in that Island by the irregular impressing of men by the Captains of those ships, notwithstanding your Majesty's Instructions to all Governours of the Plantations, whereby you are pleased to direct, that when any Captains or Commanders of any of your Majesty's ships of war in any of your said Plantations shall have occasion for seamen to serve on board the ships under their command, they do make their application to the Governours and Commanders in Cheif of the respective Plantations, to whom your Majesty is pleased to commit the sole power of impressing seamen in any of your Plantations in America, or in sight of any of them, contrary to which instructions, not only seafaring men, but land men and traders having families there are violently carried off (as very lately happened in Jamaica) without the privity or direction of your Majesty's Lieutenant Governor, to the great diminution of the strength of that Island and impairing of your Majesty's revenue, not only by the loss of those men taken away, and the ruine of their families, but by hindring some who might come to settle there, and terrefying others so as to cause them to desert the Island, which seems to have occasioned the Assembly's passing this Act. We therefore humbly offer for the reasons before mentioned, that the said Act may receive your Majesty's disallowance and disapprobation, so nevertheless that the Assembly may be assured by your Majesty's Lieutenant Governor of your due care of them, in directing the strict observance of the foresaid instruction for the future, and that your Majesty's Lieutenant Governor be admonished not to give his consent to any Act prejudiciall to your Majesty's royal prerogative. We further humbly take leave to represent to your Majesty that the Assembly of the said Island, still sitting when our last advices came from thence, have fallen into great differences with the Lieutenant Governor and Councill and into heats and disorders amongst themselves, so that seven of their number being at once expelled the House, there did not remain a Quorum sufficient, according to the rules of that House, for passing any Bill the third time; by which disorders the business lying before them has been neglected, no due care taken for renewing the body of their laws, and particularly of the Act of the Revenue which is near expireing; upon which we humbly propose your Majesty would be pleased to write to the Lieutenant Governour and Councill taking notice of these disorders and your Majesty's dislike thereof, and further enjoyning them to lay aside their private heats and animosities, and to attend with diligence and moderation your Majesty's service and the publick welfare of the Island. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 138, 11. *pp.* 58–62.]

1703.
Oct. 22.
Whitehall.

1180. William Popple, jr., to Josiah Burchet. The Council of Trade and Plantations having received a letter from Col. Quary of July 25, command me to send you the enclosed extract thereof, relating to Mr. Roger Mompesson's superceding him in the place of Judge of the Admiralty in that and the neighbouring Provinces, and thereupon to observe, that the said Quary has long behaved himself prudently and faithfully in discovering and preventing illegal trade; that he was the last year justified in his proceedings before a Committee of the Lords of the Councill against all matter of complaint, which Mr. Penn could exhibit against him; that he had H.M. approbation and reward for his good services, and being ordered back to his post in the Plantations, has continued constant and usefull correspondence with their Lordships in what relates to H.M. service in those parts; that the said Mompesson's opinion mentioned in the above said extract about tryals in Admiralty cases by Juryes, is entirely destructive of the legal trade of the Plantations, and of the jurisdiction of the Admiralty there, as settled by the late Act of Parliament relating thereunto; for these Juries consisting of merchants or others concerned in illegal trade (and in Pennsylvania of persons unqualifyed by law) no impartial sentence can be obtained, of which their Lordships have had many instances before them. They have therefore ordered me to transmit this to you, as a matter proper for the consideration of H.R.H. Councill. [*C.O.* 5, 1290. *pp.* 384, 385.]

Oct. 22.

1181. Minutes of Council in Assembly of Jamaica. The Governor proposed to the Board to reassume the consideration of the Bills lyeing before them, which the Council advised should be adjourned to Tuesday.

The House attending, the Speaker read and delivered to the Governor the following Address:—As all our greivances properly lead us to you for redresse, soe since our Journal, Minutes and other papers of the greatest concerne have (by the malice and contrivance of some ill-disposed person or persons) been feloniously taken out of the Assembly House, and torn, defaced and dispersed in severall places in and about this Towne, which wee conceive to be an affront of the highest nature to the Government, as well as to our House, wee therefore humbly desire you to issue out H.M. Royal Proclamation, expressing a reward for discovering and apprehending the offender. Whereupon the Governor having exprest his resentment and abhorrance of the fact, told the House he would doe all that lay in his power for their satisfaction.

Oct. 23.

Message in writing sent up, desiring H.E. to send up to Providence for the releife of the inhabitants of that place, and if they are willing to come, to bring 'em downe to this Island, they being lately surprised by the enemy; and desiring leave to adjourn till Tuesday. [*C.O.* 140, 6. *pp.* 542–544; *and* 560, 561.]

Oct. 22.

1182. Journal of Assembly of Jamaica. The Journal of this House being last night stole out of the Assembly House and tore

1703.

in pieces, and other papers and Records of the Assembly taken out, tore and thrown up and down the streets in several places of the Town, an address to the Governor was resolved upon. *See preceding abstract under date.* Information being given to the House that some persons could give an account who stole the Journals, but were afraid of so doing, lest they should incurr the displeasure of some persons in authority, Resolved that the following message be sent up to the Governor:—The House being informed that John Williams, a drummer in H.M. army, now quartered at Mrs. Chamberlyn's, can give your Honour some light into the tearing our Journall and Minuits, and who were the offenders therein, we pray your Honour to order him to be examined, and that he or any other that can make any discovery thereof, may be protected by your authority against the insults of all or any persons on this occasion. The Governor replied that it should certainly be done, and he would have him examined before a Magistrate immediately.

Oct. 23. Ordered that the Proclamation referred to be entered in the Minuits. *Quoted.* Message sent up to thank H.E. for issuing it. *See Minutes of Council in Assembly under date.* [*C.O.* 140, 7. *pp.* 136–139.]

Oct. 22.
Hampton.

1183. Minutes of Council of New Hampshire. The Hon. John Usher presented H.M. Letters Patents constituting him Lieut. Governor of this Province, and determining the Commission of William Partridge. Mr. Usher took the oaths appointed and subscribed and declared the Test and Declaration. He acquainted this Board that he was a stranger to the present affaires of this Province, and therefore desired this Board to let him know if there were anything to be done proper for H.M. service or the good of this Province, he should be very ready to take care about the same.

Nathaniel Weare signified that there were several men belonged to Hampton, working at H.M. Fort, had been there a considerable time, prayed they might be drawn off. [*C.O.* 5, 789. *p.* 147.]

Oct. 23. **1184.** Attorney General to the Council of Trade and Plantations. I have considered the Acts of Barbados, Aug.—Nov., 1702, which I conceive are agreable to Law and doe not containe anything prejudiciall to H.M. prerogative, except the Act *for fitting out ships of war*, which gives the whole prize to privateers, the perquisites of the Admiralty not being saved, wherefore I cannot think it fitt to be approved, unless a law be first passed in that Island to restrain the benefitts thereby allowed to the captors to such privateers as shall be fitted out by the Island and for reserving the perquisits of the Lord High Admiral. And as to the Act that *all persons both civil and military in office at the demise of the late King shall continue, etc.*, it is unnecessary, provision being made for continuing of officers in the Plantations on the demise of any King or Queen of this Realm by the statute of I Anne. And as to the Act *for the remittance of the duty of prize liquors*, if that encouragement be thought fitt to be given to privateers in Barbados, which is not allowed them here in England, this Law being perpetuall, I am of opinion, is fitt to be continued only for a time, for H.M^{ts}. further consideration. *Signed*, Edw. Northey. *Endorsed*, Recd. Nov. 4, 1703. Read May 4, 1705. 1½ *pp.* [*C.O.* 28, 7. *No.* 3; *and* 29, 9. *pp.* 296–300.]

Oct. 23. **1185.** Navy Board to Mr. Burchett. We have received by an Order from the Hon. Council of H.R.H. of yesterday's date H.M. commands to give our opinion how H.M. Navy may be supplied with tarr and pitch the next year, and do think it absolutely necessary some measures should be speedily taken for preventing H.M. being imposed upon hereafter, as hath been done this year, for, as the Swedes have doubled the prices this year, they may double or treble them any year as they shall think fitting, if some way or other be not found out to obviate the same. *Refer to other sources*, viz. New England and the other Plantations. "From the Plantations is uncertaine, and no considerable quantitys can be depended from thence in some years, but in our humble opinion, if any persons will undertake the importation thereof, it will be expedient to encourage them to make a beginning in the methods we have formerly advised, hoping time may bring it to perfection." *Refer to supplies* from Russia, Norway and Holland. *Copy. Unsigned.* 1½ *pp.* [*S.P. Naval*, 7. *Under date.*]

Oct. 23. **1186.** Minutes of Council of Virginia. Mr. Auditor Byrd's account of the 2*s.* per hhd., 25th April—25th Oct. read.

H.E. laid before the Council the present state of the French Refugees at Manican Town. Ordered that it be referred to the consideration of the Assembly.

Proclamation ordered proroguing the Assembly to April 20.

Col. Benjamin Harrison excused attendance on account of sickness.

Whereas Richard Ligon, Surveyor of Henrico County, was suspended Aug. 26, ordered that notice be given to Col. Miles Cary, Surveyor General on behalf of the Trustees of William and Mary College, and Robert Bolling, jr., is recommended to supply the place of Ligon till his suspension be taken off.

John Lightfoot was granted till next meeting of Council to put in his answer (*see* Oct. 1st).

Capt. Markham, of the *Cuthbert and Spranger*, having failed to deliver 3 barells of powder of the stores sent in hither by H.M., was ordered to pay for the same as he requested.

H.E. signed divers patents for land and probates and administrations. [*C.O.* 5, 1412. *pp.* 109, 110.]

Oct. 24. / Nov. 4. Fort Kÿkoveral, Essequibo. **1187.** Samuel Beeckman to the [*Directors of the Dutch West India Company*]. *Signed*, Samuel Beeckman. *Endorsed*, Read 19 July, 1704 (N.S.) *Dutch.* 3½ pp. *Enclosed*,

1187. i. Invoice of goods. *Signed*, Samuel Beeckman. *Dutch.* 1 *p.* [*C.O.* 116, 19. *Nos.* 19, 19.i.]

1703.

Oct. 25. Whitehall. **1188.** William Popple, jr., to John Sansom. Enclosing copy of the proceedings of a Court Martial held in Barbados Feb. 2, "that you may lay the said proceedings as they relate to Mr. Cox before the said Commissioners." [*C.O.* 29, 8. *p.* 335.]

Oct. 25. Whitehall. **1189.** Council of Trade and Plantations to the Earl of Nottingham. We send your Lordship the extract of a letter from Governor Sir Beville Granville, of Aug. 3 last, as also a copy of the Proceedings of a Court Martial therein referred to, which we pray your Lordship to lay before H.M., the persons therein mentioned having layn long under condemnation, and one of them (who was to suffer death) reprieved, and they being within H.M. mercy, their case is humbly submitted to H.M. pleasure. And whereas Mr. Cox, one of H.M. Councill of that Island, is therein mentioned, as having too far countenanced the Frenchmen, we humbly offer that he be suspended from his place in that Councill, till he has cleared himself of the imputation that lies upon him, before H.M. Governor there. *Signed*, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior, Dartmouth, Robt. Cecill, Ph. Meadows. (*Autographs.*) 1 *p.* *Enclosed*,

1189. i. Extract of letter from Governor Sir B. Granville referred to in preceding. 1 *p.*

1189. ii. Copy of Proceedings of Court Martial referred to in preceding. 2½ *pp.* [*C.O.* 28, 38. *Nos.* 17, 17.i., ii.; *and* (*without enclosures*) 29, 8. *p.* 334.]

Oct. 25. James River in Virginia. **1190.** Sir Thomas Laurence to the Council of Trade and Plantations. Not having had any directions from the Honble. Mr. President Tench to examine or sign or send to your Lordshipps any Journalls or accounts of any publick transactions, excepting that relating to Captain Bostock, since Col. Blakiston left Maryland, I presume to acquaint your Lordships with some passages which have occurred since I had the honour last to write to the Honble. Board: Last Whitsuntide going to the yearly meeting of the Quakers at West River, which is also a general rendezvous of all persons who have business with one another, I could not but take notice of the bold and insolent behaviour of one Thomas Story, a leading Quaker of Pensilvania, and an officer in Mr. Pen's Government, this Person, not content to declare blasphemously a Commission by divine immediate inspiration to convert the people of Maryland to the only truth, held forth as he said by the Quakers,—preach't down with all the force he had both the doctrine and discipline of the Church of England, especially in the Sacraments of Baptism and of the Lord's Supper; so that severall good women who had been godmothers refused to stand any more in that relation; in the same manner he preach't triumphantly along our Western shore, being attended by the principal Quakers through Baltemore County to Pensilvania; I acquainted Mr. President with this their impudent proceeding, with whom I could find no better expedient to put a stop unto it then by accompanying Mr. George Keith and Mr. Talbot (who came a while after to us from Virginia)

1703.

to the churches and places nearest where he had been, to recover the amused people by exposing their heresyes and false doctrines. But since your Lordships in settling our law for Religion (so graciously confirmed by H.M. and now printed among us) have so prudently taken care that the Quakers, if they will claim the benefit of the Acts of Toleration, shall qualify themselves according to those Laws, we have little reason to fear that hereafter they will gain any ground among us; one thing is worth the taking notice of on this point, that they still as much as ever exhort and encourage one another to make no voluntary payment of the forty p. Poll; but to suffer distress as if no such law had been made, nor they ever concerned themselves about it. About the beginning of August, being desirous to avoid the great heats of that season, and to wait on my Lord Cornbury, I took a journey to New York; my Lord having some time before required of the Government, that the 300*l.* before given by the Assembly as their Quota for the defence of Albany (which now if ever needs it from the late excursion and great mischief the French Indians made and did upon the frontier of New England) should be remitted unto his Lordship, I acquainted Mr. President with my intent of going thither and with my readiness to doe the country that service of carrying those bills, and bringing back such a discharge from my Lord as they desired, without any charge to the Government. Mr. President was very well pleased with the offer, but the Gentlemen of the Councill who met soon after, agreeing to make that payment in some other way, nothing was then done, nor know I what is since done in it: I had the good fortune to meet my Lord Cornbury at Philadelphia, whither he was invited and nobly entertained by Col. Quary, and to wait on him to Burlington, where after his Lordship had in six days executed H.M. Commission for the Jerseys to their universall satisfaction, I attended him to New York, being received by his Lordship in a manner far beyond my deserts, untill he went up to Albany about the middle of September to give a meeting to the Indian Sachems, and to take effectual order for the perfecting the fortifications he had designed and begun both there and at Schenectady. The magazeen his Lordship hath built in the Fort at New York is so deep, strong and well-covered, that it is impossible any cannon, bomb or fire should ever to hurt it. My Lord's return was expected Oct. 1st to hold the Assemblys at New York and at Amboy in East Jersey, where it is not doubted but that his Lordship's generosity and prudence, having created him so great an interest in the love and affections of those people, all things will be concluded for H.M. honour, and according to her expectation. At this time a great cold and feavrish distemper hindring my return to Maryland as I designed, I took the opportunity of returning home by Virginia in the *Jersey*, Capt. Rogers Commander, (who was ordered by my Lord to convoy two vessells from New York which now design home with the grand fleet of nigh sixty sail) in hopes of meeting H.E. Coll. Seymour, our Governor, and of attending him to Maryland, but as yet we have no news of that fleet; I heartily wish that

1703.

when they arrive, the severe and early frost the last of September and a more terrible storm which since hath overturn'd a great number of tobacco houses, and destroyed a great part of this year's cropp, may have left enough to load them according to their expectations. At my arrivall here the 8th instant, I found Governour Nicholson just upon the recovery from a dangerous feaver, but nothing hath been able to hinder his indefatigable industry in presiding and dispatching all the business of the Generall Court from whence wee this night expect him, to give all necessary orders for helping to repair severall shipps shattered in the late storm, and for the making up and dispatching away the fleet; I know not what aspersions some malicious persons, never to be pleas'd, never to be obliged, may have raised against H.E. at home, but this I can affirm as an eye and ear witness, that all good men joyn in giving him his due and just commendations for his generosity, charity, courage and justice, and which his most partial enemys cannot deny him; I have seen myself through Maryland, Pensilvania, Burlington and New York, the many churches in which he hath laid either the foundation or the finishing stone, beside those of Carolina and New England, where I have never been, so that I trust for the generall good of all these H.M. American Provinces, his adversaryes who have so seldome done any great or good action will never (through your Lordships' patronage) be able to hurt him. In Maryland Captain More, Commander of the *Oxford*, having in his voyage hither taken a rich prize of 700 hogsheads of sugar coming from St. Domingo, had her lately condemned to the value of above 3,000*l.*, H.M. part (there being no Commissioner appointed by the Prize Office) is secured in the hands of George Plater, H.M. Receiver, in which the Honble. Coll. Quary took particular care. About the same time Mr. Charles Carroll, Atturney to my Lord Baltemore, in great favor with him, and who of late years hath taken up great tracts of land in Maryland, especially in Baltemore County, arrived there, bringing with him nigh 200 Irish Papist servants and some Priests, as I am informed, these when they come to be free will no doubt be troublesome enough and greatly strengthen and promote the interest of the Roman party. I only represent the fact, but if such colonys by this example be repeated, I humbly offer to your Lordships' consideration what will be the consequences. Before I left New York I wrote to Mr. President Tench, requesting him that if he sent any Journalls of Councill to your Lordships by this fleet I might see, peruse and sign them here, but I have no account from him, and therefore humbly beg your Lordshipps' pardon for an omission which this time I cannot help, though indeed those Journalls of Councill only lying in Mr. Bladen's office as Clerk of the Councill, never come into mine, tho' I have ever signed them. *Signed*, Thoms. Laurence. *Endorsed*, Recd. Read Jan. 11, 170¾. 4 *closely written pp.* [*C.O.* 5, 715. *No.* 76; *and* 5, 726. *pp.* 269–277.]

Oct. 25. Whitehall. **1191.** Council of Trade and Plantations to the Earle of Nottingham. Capt. Richards, Cheif Engineer and Capt. of the

1703.

Company of Foot at Newfoundland, having left that place with the ships commanded by Vice-Admiral Graydon, the eldest Lieutenant remaining there, has sent us the examination of two deserters from Placentia, which bringing intelligence of importance, we transmit the same to your Lordship for H.M. information, and we cannot but further observe to your Lordship that the place is left without an Engineer or Capt., which may be very prejudicial to H.M. service in this conjuncture. *Signed*, Wm. Blathwayt, Jon. Pollexfen, Robt. Cecill, Ph. Meadows, Mat. Prior. *Autograph signatures.* 1 *p.* *Enclosed*,

1191. i. Copy of Examination of Laville and Belrose, two deserters from Placentia, Sept. 26, 1703. They left that place the 16th inst. Two men-of-war came in the 6th with 500 men each, besides 3,000 that was already in the place ready to oppose our landing, which they immediately expected upon discovering 7 of our ships off the Bay, and put 300 men into the Redoubt, which has ten pieces of cannon. The two men-of-war which arrived there were 60 gun ships. Four more they dayly expected, which were designed to attack St. John's by sea, having mortars and bombs on board. The Governor has appointed 500 men to march in the meantime overland. The six saile of men of war are to be under the command of Mons. Barbina. This winter there will remaine in Placentia 1,500 good men. There is provisions in the Fort for that number for a twelve month. The Grand Fort has 38 pieces of cannon and a new little Fort, and at the mouth of the Bay 6 guns. *Signed*, Tho. Lloyd. 1 *p.* [*C.O.* 194, 22. *Nos.* 8, 8.i.; *and* (*without enclosures*) 195, 3. *p.* 252.]

Oct. 25. Whitehall. **1192.** Journal of Council of Trade and Plantations. Letter to Lord Nottingham signed. Ordered that a copy of the proceedings of the Court Martial referred to by Sir B. Granville, Aug. 3, be sent to Mr. Sansom.

Letter from Lieut. Lloyd, Oct. 4, read. Letter to Lord Nottingham, with copy of enclosure, ordered. Ordered that Mr. Thurston have notice to attend to-morrow.

Letter from Sir B. Granville to the Secretary, Aug. 8, read.

Oct. 26. Letter to Lord Nottingham signed.

Copies of the Kingston Act granted to Col. Lawes, and ordered to be given to the Gentlemen of the other side, if they desire it.

Their Lordships considered the draught of a Representation upon Col. Quary's letter of July 25, relating to the security of the Trade of the Plantations.

Oct. 27. Draughts of letters to several Governors were agreed upon.

Representation on Col. Quary's letter further considered. [*C.O.* 391, 16. *pp.* 241–245; *and* 391, 97. *pp.* 633–641.]

Oct. 25. **1193.** Journal of Assembly of Barbados. Absent members fined. Present Members being but 14 adjourned till Nov. 9. [*C.O.* 31, 7. *pp.* 119, 120.]

1703.
Oct. 26.
Whitehall.

1194. Earl of Nottingham to Governor Lord Cornbury. The Queen having been informed that great quantitys of provisions have been laden on some vessells in the Ports on the Continent of America, on pretence of carrying the same to Jamaica and other H.M. Islands in those parts, but that in truth H.M. enemys have been supplyed with them, to the great damage and prejudice of H.M. Plantations, besides the advantage H.M. enemys receive thereby, being furnished with such provisions by this means as they would otherwise want, H.M. for preventing this mischief has commanded me to signify her pleasure to your Lordship, that you give order to the several officers of the respective Ports under your command, not to suffer any vessell or ship to load provisions more than is sufficient for the ship's crew or passengers during their voyage, or to sail out of the Port so loaden untill sufficient security shall be given that those provisions nor any part thereof shall not be carried to or sold in any place under the dominion of H.M. enemys, nor to the Island of St. Thomas, but that the same shall be truly and really delivered at the place whither such ship shall affirm to be bound, or to some other under H.M. dominion, further obliging the Master of such vessell to produce or transmit within a convenient time to your Lordship or to the Officers of such place whence she shall depart, a certificate under the hands and seals of the Officers of the place where the said provisions shall be delivered of the delivery thereof, with such description thereof as shall be necessary, excepting in the usuall manner the danger of the sea or capture by the enemy. *Signed*, Nottingham. *Endorsed*, Circular Letter to the Governors of Plantations. Recd. Read Nov. 9, 1703. [*C.O.* 323, 5. *No.* 21; *and* 324, 8. *pp.* 268–270.]

Oct. 26.

1195. Minutes of Council [*in Assembly*] of Barbados. The Hon. George Lillington presented to H.E. in Council several depositions taken by him and the Hon. Jonathan Downes, according to H.E. Order, concerning some irregularities committed by Lt. Col. William Salmon, of the Regiment under the command of Col. Abell Alleyne. Ordered that he attend to answer the premises at the next sitting.

Petition of Katherine, an old woman, a free negro, against Dudley Woodbridge, was, at the request of her Counsell, deferred to next Council day, and then ordered peremptorily to come on.

Petition of William Sambo against Charles Squire ordered peremptorily to be heard next Council day.

Error brought by Thomas Walduck to reverse a judgment obteyned against him in the Court of Common Pleas for St. Peter's by James Hurst for a debt of 10*l*., heard, and judgment reversed.

Error brought by John Stevens to reverse a judgment on an action of trespass obteyened by Alexander Arnott and Mary his wife in the Court of Common Pleas for St. Michael's precincts, and a writ of error brought by William Row in the like case, ordered to be heard this day four weeks.

1703.

Costs were taxed for the complainant in the case of John Stewart *v.* Ralph Walker.

Thomas Marshall praying costs in his case *v.* Dr. Wm. Browne, the suit was adjudged fallen owing to the death of the latter.

So in the case of John Waterman *v.* David Ramsay, and John Waterman *v.* Jacob Waterman, owing to the death of complainant.

18*l.* 7*s.* 6*d.* paid to Edward Arnell for entertaining Courts, Committees, *etc.* His account for entertaining juries was referred to the Assembly.

Petition of Edward Arnell, for payment for entertaining the French men that came up in the Flag of Truce, referred to the Assembly.

87*l.* 18*s.* 9*d.* paid to Samuel Irish, gunner of Queen's Fort, for two years' salary and disbursements.

28*l.* paid to Thomas Reynoldson for maintaining French prisoners.

Charles Buckworth, Edward Chilton and Wm. Rawlin presented to H.E. a state of the case of Capt. Gilligan. *Quoted.* Whereupon ordered that Gilligan give security to abide H.M. determination of the matter, or remain in custody.

H.E. ordered that publication be made in the several churches and towns of H.M. Orders for holding a General Sessions twice a year. Commission ordered for holding a Court of Oyer and Terminer in December.

Proclamation ordered to be published commanding all persons that shall arrive in this Island forthwith to repaire to some J.P. and give an account whence they came and to answer all other reasonable questions, and to receive a certificate from such J.P. of their being so examined before any person presume to harbour them.

Proclamation for preventing the running away with boats from this Island ordered to be published in the churches and chappells.

Directions issued for all officers, civil and military, to take the oaths appointed instead of the oaths of allegiance and supremacy and to subscribe the Test and the Abjuration Oath, and that a return thereof be made to H.E. at the first sitting of the Council after the last day of Dec. [*C.O.* 31, 8. *pp.* 124–141.]

Oct. 26. **1196.** Minutes of Council in Assembly of Jamaica. The Council advised H.E. to reply as follows to the Representatives in answer to their message Oct. 23:—If there had been any money in the Treasury, the Governor had some time since sent reliefe to the People att Providence. But it is att present soe bare and soe much anticipated that there is neither ready money nor creditt to be gott. But in case the House will consider of a way to inable him to support the charge, he will readyly and willingly send a vessell for their releife to invite them downe as is desired.

1703.

Oct. 27. The House replied:—The Assembly are heartily sorry the Treasury should be soe low, but beg leave to informe your Honour that if those Bills now before the Councill were past, the Revenue will be sufficiently supplied with money and creditt.

The House was summoned to attend, and H.M. Instruction relateing to the takeing the oaths was read, and the Act which appoints the alterations in the abjuration oath was produced to the House, and the forme of the oath read to them, and the Governor proposed the takeing of it by the Members, on which some demurring as not having heard anything of it before, they desired time till 4 in the afternoon to consider of it, which the Governor granting they took the Book of Acts and the Roll whereon the Governor and Councill had subscribed their names to the oath with them to the House, but before they went the Governor said to them:—"My hearty zeale for Jamaica makes me imbrace all opportunityes to endeavour once more a good understanding between the House and the elected Members that doe not sitt, not doubting but they will submitt to the House that both the honour of the House may be preserved and the liberty of the people, which would deprive our enemyes of their designe, and firmly unite our friends, and I hope all good men will joine with me in accomplishing the good worke."

4 p.m. The Speaker and 21 Members of the Assembly, all that was present, took the abjuration oath. Which being done, the Governor told them he hoped as wee was unanimously in this, wee should be soe in all things else, which he should be very glad to see.

Oct. 28. Message sent up:—The House desire H.E. will issue forth H.M. Royal proclamation to take into custody Capt. Thomas Freeman, a Member of this House, who has resisted and contemned the authority thereof, in order to be punished for his great contempt, and reduced to obedience. Proclamation ordered to be prepared accordingly.

Robert Meakins and John Gay, Clerk of the House, took the Abjuration Oath.

The matter of the five Bills lying before the Board comeing under consideration, and the question put whether they should be read as bills or papers, it was carried by the majority of votes that they should be read as papers, which was done. [*C.O.* 140, 6. *pp.* 544–547; *and* 561–564.]

Oct. 26. **1197.** Journal of Assembly of Jamaica. *See preceding abstract under date.*

Thomas Bryan, absenting himself from the service of the House, Resolved that he be sent for in custody by the Speaker's warrant.

Oct. 27. The Messenger reported that he had him in his custody.

See preceding abstract under date.

Petition of the parish of St. Thomas to Windward was read, and nobody appearing to own it, it was rejected.

Mr. Brayne (*sic*) having been heard in his excuse, was discharged, being reprimanded by the Speaker and paying fees, 20*s.* each to the Clerk and Messenger.

1703.
Oct. 28. *See preceding abstract under date.*

Question whether the Gentlemen expelled the House during this Assembly be capable to sit in the House, carried in the negative. [*C.O.* 140, 7. *pp.* 140–143.]

Oct. 27.
Boston.
1198. Governor Dudley to the Council of Trade and Plantations. My last addresses were per Capt. Steel, Sept. 15. One of the Mast ships is arrived, and all our merchant men in compa., and notwithstanding the mischeifs the Indians have done me, I have always had a watch and gaurds upon the Masts in the woods and in the Pool, and they are all ready to ship. Mr. Usher is now in New Hampshier in the service, and I have H.M. commands refering to Mr. Allin's affaires, which I shall carefully and strictly obey. I have generally about 500 men marching in two partyes in the woods, but have yet had no advantage against the enemy, they being capable to remove in an hour, so as to demand a twelve hours march after them. Col. Romer is returned from Cascobay, where he has raysed a good pallasade worke of about an acre of ground with bastians fit for 600 men, where I shall lodge the forces for a winter's march beyond Pemaquid to Norigwalk, where the Sachems and Fryers reside, which must be done about Christmas. I am in great want of small armes; those that we have, have been so often repared, and are of so many sorts, they are of little service, and as the people grow more, the armes grow fewer. The General Assembly of this Province set down to-morrow, when I shall communicate to them H.M. gratious letters refering to Pemaquid and the maintenance of the Governmt. I have no great opinion of this conveyance, being small and without convoy. *Signed*, J. Dudley. *Endorsed*, Recd. 2nd, Read 3rd Dec., 1703, *and* Feb. 11, 170¾. *Annexed*,

1198. i. Abstract of preceding. 1 *p.* [*C.O.* 5, 863. *Nos.* 52, 52.i.; *and* (*without abstract*) 5, 911. *pp.* 203, 204.]

Oct. 27.
St. Jago de la Vega.
1199. Minutes of Council of Jamaica. Ordered that in every precinct of this Island the Abjuration Oath be administered to every Magistrate and Officer obleiged by Law to take the same the first Session or the first Court Marshall ensuing.

Oct. 28. 50*l.* paid to Florence Burroughs for sloop hire (Sept. 22).

33*l.* 16*s.* 3*d.* paid to the seamen which escaped in the sloop *Cath*^{a}. from Hispaniola for 1,126 foot of planck taken up for the publick use, *etc.* [*C.O.* 140, 6. *pp.* 180, 181; *and* 192, 193.]

Oct. 27.
Portsmouth.
1200. Minutes of Council of New Hampshire. Wm. Partridge made a motion to H.E., that he having a ship in the River that wanted to be fitted to sea with all expedition, and required the daily attendance upon her, he being bound a voyage to England, desired that he might be dismist as being a Member of this Board, which his Honour granted.

H.E. proposed that whereas there are but two souldjers belonging to H.M. Fort William and Mary at Newcastle under the Queen's pay, are not sufficient for the safeguard of said Fort, therefore thinks it highly reasonable that there be four men more added to the said Fort as souldjers under the Queen's pay, ordered that four men be entered accordingly from to-morrow to continue there one month. Ordered that cartridge paper be supplied for the great guns at H.M. Fort at Newcastle, and a boat with oars *etc.*, and wood and oil.

Ordered that the Selectmen and Militia Officers shall have full power in each town of this Province, if they shall see meet, to order all corne and graine to be brought under the safety of some garrison in the town where the owners thereof shall live, and in case any person shall refuse to bring in the same accordingly, that then it shall be in the power of the said Selectmen and Militia Officers to cause the said corne and graine to be secured as aforesaid, and shall pay the charge accrewed out of the said corn and graine. [*C.O.* 5, 789. *pp.* 148, 149.]

Oct. 27. Boston. **1201.** Minutes of Council in Assembly of the Massachusetts Bay. The Assembly attending, H.E. addressed them:—Since I last saw you I have visited the frontiers and put them in the best posture I could, and have now about 400 men upon a second march into the woods to find the enemy's quarters, and to see what can be done upon them, agreeable to your desire and advice the late Session, and have had the Galley and two sloops well fitted, cruising upon the Eastern Coast, to prevent any French trade with the enemy. I shall now draw the forces into quarters to recruit after their weary marches, till the men be well setled for a winter's march to the other Forts, which can at no other time be come at by us, and trust in the good Providence of Almighty God that he will give us advantage against so perfidious an enemy. I have to communicate to you H.M. repeated commands, wch. I have received by these ships, of her just expectation that you do settle a salary upon your Governor for his honble. support, as you tender her princely regard and favour for you, as likewise that you do again consider and do your duty in restoring the fortifications at Pemaquid. I shall offer you no arguments on these heads, but that herein we shall show ourselves obedient and good subjects, as all H.M.Kingdoms and Plantations do at this time to the most just and gracious Prince that ever sat upon the Throne of England, and I am commanded to assure you that this is the method to obtain H.M. favour, and that it is her Royal Grace thus to move you to do your duty rather than to have it in any other way. I am sensible of H.M. great favour to the Provinces at present under my command; I have neglected nothing for your service, which I shall always continue to the utmost of my power, and may not doubt of your assistance in everything for the common advantage.

H.M. Letters were read and delivered to the Speaker.

Letter from Constantine Phips, Agent for the Province, read intimating his presenting the Addresses sent the last year to H.M., and the application he had made for a supply of warlike stores; also intimating that a Charter of Incorporation was

1703.

granting to Sir Matthew Dudley and others to furnish H.M. with Naval Stores from New England.

Oct. 28. Petition of David Jeffries, of Boston, Merchant, on behalf of himself and others the owners of the *Byfrons*, read and sent down.

Oct. 29. Several petitions presented to the Board, relating to the great drawbridge within the Town of Boston, the carriage whereof is sometime since fallen down, having been read, Ordered that there be a hearing of that matter Nov. 3. [*C.O.* 5, 789. *pp.* 876–888.]

Oct. 28. Whitehall. **1202.** Council of Trade and Plantations to Governor Codrington. We are glad to have received a letter under your own hand, dated Aug. 8; and thereby perceiving your health to be in some degree restored, we hope a little time may perfect it, so that we may expect the fuller account of the affaires of your Government which you promise by the next Packet-boat. In the meantime observing by this the continuance of your desire that you may have leave to return to England, and your complaint of being abandon'd by your friends in that matter, we have communicated the same to the Earle of Nottingham, *etc.* [*see* Oct. 19]. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 214, 215.]

Oct. 28. Whitehall. **1203.** William Popple to the Clark of the Assembly of Jamaica. The Council of Trade and Plantations, taking notice that there has been a failure in transmitting to them the Minutes of the Assembly of Jamaica for longer time than is convenient for their information, they have ordered me to signify to you that, it being the duty of your place to furnish the Lieut. Governor with transcripts of all proceedings of the Assembly from time to time as he shall require the same, upon pain of incurring the forfeiture of your place, it is expected that you punctually take care therein, or that otherwise such omission will be imputed to your neglect. [*C.O.* 138, 11. *pp.* 62, 63.]

Oct. 28. Whitehall. **1204.** Council of Trade and Plantations to Lt. Gov. Handasyd. We have now before us two letters from you dated August 27, besides those acknowledged Aug. 26th. We have observed what you write of the difficulties that have been about quartering and subsisting the soldiers, together with the Act which was at length obtained for that purpose. We have likewise considered the petition of yourself and the other Officers which was presented to H.M. and refer'd to us, and we have thereupon laid before H.M. our humble opinion with a favourable regard to the Officers and to the state of the soldiers; the effect whereof we expect and shall in due time acquaint you therewith. We have now under consideration the Acts that have been transmitted for preventing the rebuilding of Port Royal, and for settling the seat of trade at Kingston in order to report upon them. We have heard the several parties concerned therein, and find them highly inflamed against each other, for which we are sorry, they

1703.

being persons of esteem and consideration: this matter is of the greatest moment, and apparent difficultys arise upon its being determined either way. We should have been glad to have had your opinion more particularly, which as Governour, we think you ought to have given us; whereas you only refer us to other men's opinions in the Minutes of Council. We are laying before H.M. the present state of Jamaica in the several particulars wherein you represent it to us, upon all which matters you shall in due time be acquainted with the directions that may be given upon them. In the mean time as we should have been glad to have found that your endeavours for preventing or composing those differences had been more effectual, so we yet exhort you to employ your utmost care about it. The duplicate of your letter of May 30 expressing (in relation to the Revenue Act) that tho' you could not obtain perpetuity, yet you had obtained 21 years, gave us reason to expect that some Act had already been past to that effect; but we are sorry to perceive by the Minutes of Assembly that the business is yet in agitation, and but small progress made therein. That is a matter wherein your diligence and prudence are much required, and upon the success whereof the settlement of the whole body of laws of that Island, as well those formerly confirmed as those which lye now before us, or may be further transmitted from thence, will depend. In the same letter you mention the troubles that have been occasioned by some base designing men, who endeavoured to put all things into a flame. We wish you had explained that matter more fully, that we might have perceived from whence any disturbances doe or may arise; the jealousies you express of complaints made or sent to us against yourself are groundless, nothing of that kind having been laid before us. You have done well in transmitting to us the differences between yourself and the Councill and Captain Wavell, which we have laid before H.R.H., and accordingly you may expect the proper directions thereupon. Your proposal for settling a Governor in the Bay of Campeachy is defective. You ought to have explained how you conceive such a Governour may be supported, and the place defended; as you enlarge upon this subject we shall take it into consideration. Observing the difficulties that you say you have had in obtaining transcriptions of the Journals of the Assembly, we have ordered our Secretary to write to the Clarke, and admonish him of his duty that no such neglect may be hereafter. We desire you also to give strict charge to whatsoever Clarke or other person it may concern, that the transcripts of all publick proceedings that you send over (and especially Acts of Assembly) be carefully examined, for in the Act *to prevent incursions etc.* which we have now received (line the 5th) the word *enacted*, on which the whole depends, is omitted. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jn. Pollexfen, Mat. Prior. [*C.O.* 138, 11. *pp.* 63–68.]

Oct. 28.
Whitehall.

1205. Council of Trade and Plantations to Governor Sir B. Granville. We have received yours of June 16 and August 3

1703.

to us, and of Aug. 3 and 8 to our Secretary; and yet want answers to ours of July 28, and one from our Secretary of Aug. 26. As to the regulation made by H.M. in reference to presents from Assemblys to Governors, it has been general to all parts of America, and was made before your nomination to the Government of Barbados, and was judged necessary to remove the occasions that had been given, and others that might be given, of complaints against Governours, so that tho' it do cut off some advantages you might have expected in that Government, it is not for us to propose anything to H.M. against a settlement so solemnly made: But we shall be glad any other opportunity may offer by which we may recommend your services to H.M. bountiful consideration. We have transmitted an extract of what you writ to us upon the death of the Engineer and Master Gunner to the Board of Ordnance, and of what you writ concerning the pay of the Gunners both to the Ordnance and Treasury; these being the proper Offices to whom the direction of these matters belong. We have also transmitted copies of the Proceedings, which you have sent us, of a Court Martial upon the occasion of three French Prisoners, to the Earle of Nottingham, with our opinion thereupon to be laid before H.M. for the signification of her Royal pleasure, which you may soon expect. As to your apprehension of the want of a new Commission from H.M. for the trying of pirates, we conceive there is no occasion for any such; that from his late Majesty continuing in force till H.M. further pleasure be known, as appears by the Proclamation formerly sent to the President and Councill, a copy whereof is here inclosed. We do not doubt but you have well considered H.M. interest in refusing to ratify the Cartel with the French, and we cannot but approve of your discouraging the frequent Flaggs of Truce sent between the French Islands and Barbados, which serves only to carry on a prohibited Trade injurious to H.M. service. We are sorry for the sickness which you say has been in the Island, and more particularly for the share you have had of it; but hope you are perfectly recovered and may enjoy a more secure state of health after this first seasoning. *Signed*, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *pp.* 335–338.]

Oct. 28. Whitehall. **1206.** Journal of Council of Trade and Plantations. Letters to Sir B. Granville, Col. Codrington, and Col. Handasyd signed.

Representation relating to the security of Trade agreed upon.

Representation for repealing two Acts of N. Hampshire agreed upon.

Oct. 29. Representation relating to the security of Trade in the Plantations, with letter to Lord Nottingham, signed.

Representation for repealing two Acts of New Hampshire signed.

Letter to the Lord Treasurer, enclosing an account of the incidental charges of this office, signed.

Letter from Mr. Skene, Aug. 9, read. [*C.O.* 391, 16. *pp.* 246–248; *and* 391, 97. *pp.* 645–649.]

1703.
Oct. 28.
Boston.

1207. Minutes of Council of the Massachusetts Bay. 150*l*. paid to Capt. Zechariah Tuthill on account of the workmen employed at Castle Island.

Petition of William Vesey *etc.* [Oct. 21] fully heard. The Council are of opinion that the petitioner be referred for remedy to a due process in the Law. [*C.O.* 5, 789. *p.* 544.]

Oct. 29.
Whitehall.

1208. Council of Trade and Plantations to the Earl of Nottingham. Enclosing following Representation to be laid before H.M. *Signed*, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 1 *p. Enclosed*,

1208. i. Council of Trade and Plantations to the Queen. We have received repeated intelligence from your Majesty's several Plantations in America, that the French have greatly increased the number of their Privateers at the Charibbee Islands, and do intercept our ships trading to those parts with provisions from your Majesty's Northern Plantations, by which your Majesty's Islands are rendered destitute of provisions, and the French, who are not furnished from Europe, are thereby largely supplyed. To prevent which mischiefs, we humbly offer that your Majesty's Governors of New England and New Yorke do send the ships of war attending those Colonies towards the winter season as convoys to the ships trading with provisions and other commodities between the Northern and Southern Plantations, as we have already represented to H.R.H.; and because such convoy sent once a year will not suffice considering the number of provision ships sent from the Northern Plantations, and the different seasons of their sailing, we further humbly offer that besides the said convoy to be settled for the beginning of the winter, another convoy be appointed to saile from England in the month of February, so as to be ready at New York, or some other of the Northern Plantations, by the month of April, to convoy from thence the shiping of those Plantations which shall be ready to sayle at that time to the Southward, and that the times when each of these convoys shall be ready to saile be signified to the several Governors of the Northern Plantations, to be by them made known to whom it may concern, that the shipping may accordingly be ready, by the convenience of which convoy sailing from England the merchant ships trading from hence to the Northern Plantations will likewise find their security. [*Note in margin:* Agreed, if Pr(ivy) Council no obj.]

By letters from several Plantations we are informed that while, in pursuance of your Majesty's Declaration of War, your Majesty's subjects in strict observation thereof do forbear to carry on that private correspondence and commerce which they formerly had with the Spanish Nation in America, and are thereby

1703.

deprived of considerable advantages, the Dutch with a different regard to their interest do contrive by all ways and means to ingage the Spaniards in those parts to a commerce with them, and for the better ingratiating themselves with that people have called in their privateers, and enjoy a free and open trade with the Spaniards there, far greater than ever; which gives very great discouragement to your Majesty's subjects and occasions their carrying the several commodities of the Plantations (contrary to the Acts of Trade) to the Dutch to be vended by them to the Spaniards or carryed to Europe, for which your Majesty's subjects receive in exchange from the Dutch commodities of the growth of Europe; the same inconvenience does likewise happen between your Majesty's Plantations and the Danish Colony at St. Thomas. For the prevention whereof we humbly offer that effectual orders be given by the Commissioners of your Majesty's Customs to their under officers in the Plantations (and more particularly in the Propriety and Charter Governments, where the Acts of Trade and Navigation are least regarded) that they do more strictly inspect the importation and exportation of all goods there, and take care that sufficient bonds and security be given for the due observation of those Acts in reference to Trade with Foreigners. And that an exact account be given to the said officers and by your Majesty's Governors as far as in them lyes of all Trade carryed on with Curaçao and the Island of St. Thomas. And whereas it has been found by long experience that the irritating the Spaniards by private attempts upon the Land in America has only tended to the loss of a considerable trade without any real advantage to your Majesty's subjects, and is the present cause of turning that trade into the hands of our Neighbours, we further humbly offer that such measures be taken herein as to your Majesty's great wisdom shall seem meet. And that your Majesty's subjects be not excluded from an equal advantage of Trade with others in those parts. *Signed,* Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. 4 *pp.* [*C.O.* 152, 39. *Nos.* 97, 97.i.; *and* 324, 8. *pp.* 262–267.]

Oct. 29. **1209.** Account of Petty Expenses of the Council of Trade and Plantations, Midsummer to Michaelmas, 1703. *Total,* 9*l.* 4*s.* 4*d.* (includes 8*s.* for a map). *Endorsed,* Read Oct. 29, 1703. 1 *p.* [*C.O.* 388, 75. *No.* 76.]

[Oct. 29.] **1210.** Mr. Churchill's Account of Stationery supplied to the Office of the Council of Trade and Plantations, Michaelmas to Midsummer, 1703. *Total,* 30*l.* 10*s.* 10*d.* *Endorsed,* Read Oct. 29, 1703. 1¾ *pp.* [*C.O.* 388, 75. *No.* 77.]

[Oct. 29.] **1211.** Mr. Short's Account for postage, Midsummer to Michaelmas, 1703. *Total*, 24*l*. 8*s*. 2*d*. *Endorsed as preceding*. 1 *p*. [*C.O.* 388, 75. *No*. 78.]

[Oct. 29.] **1212.** Account of wood and coals for the same. (Scotch coals at 41*s*. *per* ton.) *Total*, 32*l*. 5*s*. 2*d*. *Endorsed as preceding*. 1 *p*. [*C.O.* 388, 75. *No*. 79.]

Oct. 29. Whitehall. **1213.** Council of Trade and Plantations to the Lord High Treasurer. We enclose account of the incidental charges of our Office, Dec. 25, 1702—Sept. 29, 1703, amounting to 242*l*. 14*s*. 5*d*. *Signed*, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *Annexed*,

1213. i. Account of Petty Expences as *supra*. [*C.O.* 389, 36. *pp*. 164, 165.]

Oct. 29. Whitehall. **1214.** Council of Trade and Plantations to the Queen. Having had under consideration several Acts of New Hampshire, we humbly report that the Act *for the confirmation of town grants* does confirm all grants of lands that have been heretofore made unto any person by the inhabitants of the respective towns within that Province, or by the Select Men, or a Committee in each town, without having any regard to or saving of the rights of the Gent. Proprietor or other persons who might be entituled to the same before the making such grants, which proceeding, especially whilst the controversies in course of Law between the said Proprietor and the Inhabitants of the Province, relating to the right he has always claimed, are yet depending, we conceive to be very undue and not fit to be allowed. And another Act, *to prevent contention and controversies that may arise concerning the bounds of the respective townes within this Province*, seeming to us of such doubtfull construction, as that the same may intrench on the rights of particular persons, we humbly offer that your Majesty would please to declare your disallowance and repeal of both the said Acts. *Signed*, Dartmouth, Rob. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 911. *pp*. 128, 129.]

Oct. 29. **1215.** Attorney General to the Council of Trade and Plantations. I have considered of the Acts of Barbados, Dec. 23, 1702–Jan. 21, 1703, which Laws I conceive are agreable to Law and doe not containe any thing prejudiciall to H.M. Royal prerogative. Nevertheless I must observe that by that *for raising a levy to discharge the public debts* provision is made for payment of 750*l*. to the Agents for that Island in England, the like provision having been made for them by Acts in 1700, 1701, 1702, and your Lordships will best judge by the Agents' attendance on your Board whether they deserve to have such annual sums, and whether they doe attend the business of that Island as becomes them. *Signed*, Ed. Northey. *Endorsed*, Recd. Nov. 1703, Read June 19, 1705. 1 *p*. [*C.O.* 28, 7. *No*. 4; *and* 29, 9. *pp*. 319, 320.]

1703.
Oct. 29. **1216.** Attorney General to the Council of Trade and Plantations. I have considered of the Acts of Barbados, Nov. 5, 1700–May 15, 1701, and find nothing therein contrary to Law or prejudiciall to H.M. Royal prerogative. *Signed,* Edw. Northey. *Endorsed,* Recd. Nov. 4, 1703, Read July 21, 1704. [*C.O.* 28, 7. *No.* 5; *and* 29, 8. *pp.* 445, 446.]

Oct. 29. **1217.** Minutes of Council in Assembly of Jamaica. Acts for raiseing a Revenue; raising and appropriating an additional duty and impost; for encouraging the importation of whites; for ascertaining, establishing and more speedy collecting H.M. Quit rents, were read the first time and past.

Capt. Nedham took the Abjuration Oath.

Message sent up:—The House having maturely considered of your Honour's Speech relating to the Gentlemen expelled (with due regard both to the liberties of the freeholders of each respective parish, and the honour of the House), have resolved that, they being expelled during this Assembly, are thereby become incapable to be Members thereof soe long as this Assembly shall continue. Wherefore wee desire new writts for electing Members to serve in the roome of those Gentlemen.

The House being willing to be free from all aspersions on account of the tearing of their Minutes, have each of them and their Officers voluntarily declared upon the Holy Evangelist that they know not directly or indirectly of tareing the same, or who were concerned therein. We further pray leave to acquaint your Honour that wee hope wee have finished as farr as in us lies H.M. and the Countries buissiness. And since the season of the year requires every man's presence and attendance on our respective affaires, we humbly pray your Honour to take it into consideration. They reminded H.E. of the five Bills sent up.

Whereupon the Governor required the opinion of the Board whether he should issue out new writts according to the opinion of the House, who unanimously agreed that the answer the Board advised the Governor to give on Oct. 2 was full in that part, which they could not now advise him to recede from.

The Act for making the Cay *etc.* a port of entry was read the first time and past.

Message sent down: The Governor and Council are both of opinion that it is highly reasonable that the House have some time to inspect and attend upon their owne affairs. But the Act for quartering the soldiers being to expire Jan. 1st, desire they will take into consideration to continue the same for longer time, that the recess may be more advantagious to you.

Message sent up that the House had resolved to bring in such a Bill.

Act for raising a Revenue read the second time.

Additional duty Bill read the second time.

Oct. 30. Acts for establishing the Quit-rents and encouraging the importation of white men read the second time.

Petition of the inhabitants of Kingston against the Act for making the Cay a port of entry read. The said Act was read the second time and past by the majority.

In response to a request from the Council, the House consented to a Joint-Committee upon the Act for establishing H.M. Quit-rents, "since it is not a Bill for money raised in our House."

In response to a desire from the Council for a free Conference upon the Additional Duty Bill, the House replied that it was their opinion they ought not to confer upon money Bills. [*C.O.* 140, 6. *pp.* 547–552; *and* 565–569.]

Oct. 29. **1218.** Journal of Assembly of Jamaica. *See preceding abstract under date.*

Capt. Mathew Gregory was sworn.

Committee appointed to bring in a Bill to continue H.M. Officers and soldiers [*in quarters*] for a longer time. Resolved that other Commissioners be appointed in the room of John Blair and Henry Brabant, and that they be accountable to the Commissioners to be appointed by the Act to be brought in. The Bill was read the first time, Hugh Totterdell and Wm. Nedham being appointed Commissioners, and the Act being to continue till May 1, 1704.

Oct. 30. The above Bill was read the second time (*i.e.* An Act for the Continuance of two Acts for raising money for providing an addition for the subsistence of H.M. officers and souldiers).

See preceding abstract under date.

Col. Odoardo Lewis being very much indisposed had leave to repair home for the recovery of his health.

Proclamation against Thomas Freeman ordered to be entered in the Minutes.

The Chairman of the Committee reported several proposals made at the Conference upon the Act for ascertaining the Quit-Rents. [*C.O.* 140, 7. *pp.* 144–150.]

Oct. 30. **1219.** Mr. Secretary Hedges to the Council of Trade and Plantations. I am directed to acquaint your Lordships that it is H.M. pleasure that you should consider whether pitch and tarre for the use of H.M. Navy may not be procured from New England or other H.M. Plantations in America, and by what means it may best be had, you will please to impart your thoughts on this subject to a Committee of the Lords of the Council, who will meet at the Cockpitt this day sevennight at ten a clock in the morning. *Signed,* C. Hedges. *Endorsed,* Recd. Read Nov. 1, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 53; *and* 5, 911. *p.* 130.]

[Oct. 30.] **1220.** Benjamin Way to William Popple. Please to note that the Petition from Jamaica, praying H.M. to reject the Kingston Act, that came in this month, is signed by more than the former as under, beside others both of Councill and Assembly by letters write their dislike of it as prosecuted here, Tho. Ayscough of the Council, who was at taking ye Island, Andrew Orgile, Peter Beckford, jr., of the Assembly, and many others of ye considerable people. *Signed,* Benj. Way. *Addressed.* ½ *p.* *Enclosed,*

1703.

1220. i. Sir B. Gracedieu and others to the Council of Trade and Plantations. The Gentlemen that so violently press for ye passing those Laws are highly concerned in point of private interest, Col. Lawes and Col. Edlin having their estates at or near Kingston, and the Messrs. Heathcotes having laid out great sums of money soon after ye earthquake at Kingston, built houses and warehouses there, and well knowing that noe ships will come thither to unlade but by utmost compulsion, it being found so inconvenient, dangerous, chargeable and unhealthy a place. By what clandestine and violent means these laws were obtained, and the petitioners against them not only refused to be heard, but threatned for endeavouring it, tho' most nearly concerned in point of property, we are ready to prove with undeniable evidence. The first of those Laws being remitted to Jamaica for further consideration, in return there comes two petitions to H.M. to reject those Laws, signed by 7 of the Council, the whole being but 11, 14 of ye Assembly, and several hundred others, whereof many eminent merchants, planters and others. The Governor indeed hath not signed either of these petitions, but it evidently appears that he as well as all other disinterested persons there see the dismal consequences attending those hasty laws, seeing he permits great numbers of persons to reside at Port Royal, provisions to be sold and victualling houses to be kept there, the penaltys in these Laws notwithstanding, nor can we hear that he hath writ one word to promote the passing them, but rather ye contrary, so that it's evident tho' the country were by surprize prevailed on to pass those Acts, yet after some months' experience, they saw the ill effects and their errour. That those petitions were not unfairly obtained is evident because one comes in August, and another in October, signed by other and more persons, as well of Council and Assembly as of others, so it's ye product of thought, experience and time, not surprize. By the latter of these Laws five persons are appointed Commissioners, whereof any three to be a Quorum, to receive claims, make distributions and convey titles to land at Kingston. Now two of these Gentlemen being concerned of ye great mischiefs attending those Laws, are against the passing of them; they have no interest at Kingston; one of ye other three, Edmd. Edlyne, having a great estate there, is come to England, so that the execution of this Law is rendered almost ineffectual, unless the country think fit to make a supplemental one, which we are fully assured they are too well informed now to doe. As to H.M. ships of war, however those towns are settled, they must come into and ride in Port Royal harbour and must careen there, as is evident by Admiral Benbow's experience, nor can they have anything to propose by going up into the place they call Kingston Harbour, unless that an enemy may not come at them, nor they get to an enemy but at ye expence of a long time, much charge and hazard, for Port Royal Harbour must still continue the safest and best and through which ships must pass, and surely it can't be the worse for having ye strongest fortification in ye Indies for its defence, and a town well peopled by art and nature to be made impregnable for its safeguard. As to trade, the advantages are abundantly on Port Royal side, for that all merchant ships must first come to an anchor there, and may always ride safely there and hawle a ship of 300 tuns to the wharfe side, and unlade, careen, and lade again in one quarter the time and charge it may be possible at Kingston, nor is Kingston Harbour (as called) in any one thing preferable to Port Royal in point of trade, but in many respects more chargeable, hazardous and inconvenient for the shipping and fatally sickly to its inhabitants, as for instance, (1) If ships are compelled to go up to Kingston after they are safe at an anchor in Port Royal harbour, they must another day pass through another channell up and down, which must at least be the work of four days more, and at the charge of skilful pilots, which are costly there, and when gott through into the harbour can't ride there but at the charge of another anchor and cable, which latter is usually spoiled in a voyage, and then requires a much larger time to discharge, careen and relade then at Port Royal ; t'will be 3 or 400*l.* each voyage more. (2) The hazard is very great through the narrow channel, scarce any ship going up or coming down but runs aground more than once, which must be very dangerous with heavy laden ships, and hath already produced such effects, H.M.S. *Bristole* being much endammaged and almost lost there, and is now forced to be rebuilt ; the *Benjamin*, and many others of merchants ships have run aground and damaged there ; and when gott through this narrow passage, ships come into a wild harbour, where (by confession of the opponents) the wind blowing for four mile together makes a great sea, and indeed the waves usually run as high in Kingston Harbour during the sea-breeze (the proper and healthy time to work) as in the open sea, which is sadly evident by the loss of sundry ships' goods and men's lives in a few months there, which never hapned at Pt. Royall in many years, and this not occasioned by accident, as suggested, but by ye constant high sea and bad weather attending ye harbour, whereas ye harbour of Port Royall under ye shelter of that towne is almost as smooth as a millpond. (3) As to ye fatal sickness attending that place, we heartily

1703.

wish we had not too much sad reason to mention that, besides its being the reason why that place was once already deserted. It hath been so dismally fatall to our poor freinds from Port Royall obliged to repair thither, that many of them have perished and others suffered very great sicknesses there, scarce any person escaping that was not brought of that unhealthy spott, nor is this sickness common with ye rest of ye Island, but practicarly owing to the unhealthy situation of Kingston, as is evident by the many letters we have thence, with ye sad accts. from our surviving friends. (4) As to the fortifications on Port Royal, we are ready to demonstrate that Port Royal, by art and nature, especially since separated from the Maine by ye earthquake, is so adapted for defence that noe force [*of*] vessels to be brought against it can ever conquer it, if well defended, which cant safely be done without ye assistance of ye inhabitants.

The principal argument brought for the passing these Laws is ye opinion of Brigadier Selwyn, Admirall Benbow, Col. Lilly and the present Lieut. Governor. Brigadier Selwyn's time and experience in Jamaica was short, nor are we informed that he ever declared that the fortifications and town of Port Royal were to be demolished. Admirall Benbow, a very great and good Commander, having been unkindly treated at Port Royal, endeavoured to prefer Kingston for ye careening his ships, but it's evident he lived to alter his opinion, the *Gloucester* being almost lost there, and the hulk by his express order brought down to Port Royal, and the Queen's ships careened there. Capt. Lilly some time ago declared to a gentleman now here that Port Royal might be made impregnable. Col. Handysid hath sufficiently intimated his opinion by permitting liquors to be sold and so many persons to resort and erect such numerous buildings *etc.* In August last there were about 300 familys setled, most of them fled from Kingston, terrified with the inconveniencys there, whose propertys will all be taken from them by these Laws, *etc.* *Pray for* their rejection. *Signed*, Bartho. Gracedieu, Benj. Way, James Whitchurch, Stephen Mason. London, Oct. 30, 1703. 5¾ *pp.* *The whole endorsed*, Recd. Nov. 1st, Read Nov. 12, 1703. 5¾ *pp.* [*C.O.* 137, 6. *Nos.* 11, 11.i.]

Oct. 30. Boston. **1221.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of Elisha Hutchinson in the matter of a judgment given for Thomas Cooper, read.

Petition of David Jeffries (Oct. 28) for an abatement of duty on wine spoiled in the wreck of the *Byfrons* at Piscataqua, granted on the recommendation of the Representatives.

1703.

Bill passed by the Representatives relating to the Proprietors of Common and undivided lands, sent up, was read a first time.

Nov. 1. The above Bill was read a second time and committed.

Nov. 2. 35*l.* paid to Thomas Brattle as a further consideration and in full for his service in laying out the money granted for fortifying Castle Island. [*C.O.* 5, 789. *pp.* 878, 879.]

Oct. 31. Barbados. **1222.** Governor Sir B. Granville to the Earl of Nottingham. Acknowledges letter of Sept. 14. I have an account of a fleet of 25 sail of French ships being arrived at Martinique on Sept. 13. I have not bin wanting in sending out for intelligence and getting the best informations, after having had different accounts brought me, all I yet know and what I most depend upon is, that there are amongst them 5 men of war, from 40 to 60 guns and 12 large flyboats with land soldiers. I expect more news of them every day, having well sayling sloops out for that purpose. *Signed,* Bevill Granville. *Endorsed,* R. Jan. 23, 170¾. *Holograph.* 3 *pp.* [*C.O.* 28, 38. *No.* 18.]

Oct. 31. **1223.** Governor Sir B. Granville to William Popple. By the Pacquet boat which arrived the 28th instant, I have yours of Aug. 26, with a duplicate enclosed from their Lordships and another for Mr. Bennet, which I have dispatched as you will see. On Sept. 27 H.M.S. *Blackwall*, Captain Samuel Martin Commander, brought in here a French Privateer of 12 guns and 120 men, which he took in this latitude, as also an Irish ship bound hither, which had bin taken the day before by the said Privateer. Notwithstanding the great number of Privateers which the French have in these parts, the navigation in the latitude and seas about this Island has bin pretty free; which is owing to H.M. two frigates that attend here. On Sept. 13 there did arrive at Martinique 25 sail of French ships, of which I have an account. Six were men of war, five from 40 to 60 gunns, and one of 30. Upon the first notice that I had I gave advice by an express boat to General Codrington. I can't yet learn whether they come upon any design or only for convoys and cruisers. I have sloops out for intelligence as well as the *Blackwall*. I have the following account by two vessells arrived this week from Rhode Island, vizt., That on Sept. 17, severall persons known inhabitants of Providence, came to Rhode Island and reported that about the latter end of August 300 French and Spaniards landed upon Providence, that they plundered the country, carryed off Mr. Lightwood the President and a pilot: that they blew up the Fort and flung the gunns into the sea: that they remain'd upon the Island about a fortnight and then sailed away.

Collonel Maxwell (who was by H.M. lately added to the Councill, in the room of Collonel Andrews, deceased) dyed here about a fortnight since, upon whose death Mr. Robert Johnstone brought me a mandamus signed by the Queen and countersigned by my Lord Nottingham (bearing date June 7) for his being admitted into the Councill here upon the first vacancy, accordingly he was sworn. There are about a dozen ships loaden

1703.

here, and will be ready in seven days to sail for London, whither they are bound; I shall take the best care I can that they are safe out of these seas, afterwards they must take their fortune. With this you will receive a particular account of the stores and strength of this Island, which I desire you would lay before their Lordships, as also the state of Manasses Gilligan his case. He is a subject of the Queen's, has traded with H.M. enemies, is taken in the fact and justifyes himself only by pretending to be naturalized a Dane at the Isle of St. Thomas; our lawyers are not clear in their opinion what crime he is guilty of, or whether of any. I have however thought it for H.M. service to have him committed until I can receive directions from their Lordships, how I am to govern myself in this and the like cases. If his naturalizing himself in a neutral island does give him priviledge to trade where he thinks fit, you will have many Merchants in these parts retire to St. Thomas during the war, that they may do the same. I send also the Minutes of what has been done in the Court of Chancery since my being here, as likewise the Minutes of Councill, and naval officers' accounts. *Signed*, Bevill Granville. Since the writing of this, I have an account brought me, that in the French Fleet aforementioned, there are 5 men of war from 40 to 60 guns and 12 transport vessells, being large fly-boats full of land soldiers, this account I have reason to beleive the most exact, and doe give most credit to it. Enclosed is a duplicate of what I wrote to their Lordships by the last Pacquet boat. I ask your favour for the pacquet to Sir John Stanley. *Signed*, Bevill Granville. *Endorsed*, Recd. 24th, Read Jan. 28, 170¾. *Holograph*. 4 *pp*. *Enclosed*,

1223. i. *Abstract of preceding*. 4¼ *pp*.

1223. ii. Copies of receipts for packets of letters for Lt. Gov. Bennet, Oct., 1703. Signed respectively, John Sandford and Benjamin Barton.

1223. iii. (*a*) Account of the Stores of War, Guns, *etc*. in Barbados; the various Forts and Batteries are enumerated.

(*b*) List of Militia of Barbados, Oct., 1703.

Regiment of Horse, Col. Farmer, 452.
,, ,, Col. Lesley, 433.
,, of Foot, Col. Wheeler, 850.
,, ,, Col. Alleyn, 342.
,, ,, Col. Maycock, 354.
,, ,, Col. Ramsey, 360.
,, ,, Col. Holder, 507.
,, ,, Col. Inch, 359.
Total, 3,657.

Note in the hand of Governor Sir B. Granville: that what here are called Forts is according to the stile of the country, but in truth they are but batterys without ditch, palizades or embrazures. The Ordinance very defective, the moistnesse of this air being destructive to all iron. The Militia in number much lesse then

1703.

they were ever known to be, and they every day diminish by the going off of servants, and none are brought in, nor no encouragement for it. To make up the number of the Militia as now it is, one sixth part is old and decrepit men, and half of what remains are boys. *Endorsed*, Recd. Jan. 24, 170¾. 13 *pp.*

1223. iv. Duplicate of preceding.

1223. v. Minutes of the Court of Chancery of Barbados, May 25 Oct. 27, 1703. *Endorsed as preceding.* 20 *pp.*

1223. vi. Memorandum of Naval Officer's List of Ships, Dec. 25, 1702–Sept. 24, 1703. ¼ *p.*

1223. vii. Memorandum of Minutes of Council of Barbados, May 11–Sept. 28, 1703. ¼ *p.*

1223. viii. Copy of an Act to settle 500*l.* per annum on Governor Sir Beville Granville, June 8, 1703. *Endorsed,* Recd. Jan. 24, 170¾. 1½ *pp.*

1223. ix. State of the Case of Manasses Gilligan, drawn up by the Judge of the Admiralty, the Attorney and Solicitor General of Barbados. Oct. 29, 1703. *Endorsed as preceding.* 3 *large pp.* [*C.O.* 28, 7. *Nos.* 6, 6.i.–ix; *and* (*without enclosures*) 29, 8. *pp.* 368–373.]

[? Oct.] **1224.** Merchants and Planters concerned in the Island of Jamaica to the Queen. Petitioners are informed as well by several planters and merchants lately arrived from that Island as by letters from their Correspondents that they had intelligence by prisoners *etc.* that the French and Spaniards had formed a design to attack Jamaica as soon as they found a fitt opportunity to doe it. In order to which it had been agreed by the French and Spanish Governors in those parts the several quotas that each should provide and have ready for that purpose. And this your petitioners have great reason to feare is true not onely from their said intelligence, but also from the nature and reason of the thing, that Island lying in the very heart of the Spanish Dominions, and only capable of doing them hurt in their trade and keeping them continually uneasy and in arms, that your petitioners are humbly of opinion they will not neglect the first opportunity to draw this thorn out of their side. And now your Petitioners are afraid too fitt an opportunity has presented them, the last letters of ye pacquet boat adviseing that Admiral Graydon hath taken away allmost all the men of warr and left the Island allmost naked. And to add to their misfortunes hath in a violent manner pressed and carryed away a great many of their most useful people, breaking open their houses in the night, and more are frightened away than he pressed, and those that are left by the smallnesse of their numbers doe not think themselves in any manner of safety, but talke of leaving it, as appears by enclosed letters. This being the dangerous state of that Island, Petitioners pray that your Majesty will be graciously pleased to order some men of war with supernumerary men and recruits for the Regiments may be immediately sent to save the Island, and that more severe orders may be given

1703.

against pressing the few men that are left there. 37 Signatures, including Gilbert Heathcoat, Hans Sloane, *etc.* 1 *p.* *Enclosed,*

1224. i. Extracts of Letters referred to in preceding. (*a*) Withywood in Jamaica, July 5, 1703. I am glad of Capt. Acton's arrival and of the two villeins having received their due, though it was look't upon as no prudent act done of Admirall Whetstone in running the hazard of their being taken or so, for which reason Acton protested against carcing of them. [*See Cal.* 1702. *Pref. p.* xii.] . . . There was a vote past the Assembly for 200*l.* as a present to be laid out in fresh provisions for him [? *Graydon*], but his behaviour stopt it. He was once ashore with the Governor at Spanish Town, where he saw a 50*l.* plate run for, but no great notice taken of him by the Gentlemen. He has commited several irregular things by pressing, taking of negroes, stealing, as I may call it, at Blewfields, where the fleet watered cattle without paying for them. . . I am afraid he is Kirby inclineable, if so may he have the same reward. He is sailed for Newfoundland. Du Casse has been very fortunate and undoubted rich in the last four ships, and none but a coward or the power of guineas would (as the Gentlemen aboard with him gives out) lett him escape, who is the onely person and most knowing that can damnifye us here. 1 *p.*

(*b*) Jamaica, July 5, 1703. We are now here in such a condition that I think it noways adviseable to discover how many men, the best having left us since the destruction of Port Royal. To this Admirall Graydon has added a finishing stroake, who the morning before he sailed sent his boats and men armed and took off from Port Royall and Kingstone as well inhabitants as seafareing men to the terror and dissatisfaction of all the people of this Island. 1 *p.*

(*c*) Jamaica, July 7, 1703. *Repeats last half of* (*b*). ½ *p.*

(*d*) Jamaica, July 7, 1703. I am glad Kirby and the other dyed, it was a most villanous action. I could wish Graydon went the same way. He has presst at least 70 or 80 persons from Port Royall and Kingston, and did in ye middle of ye night break up houses without spareing any, takeing all people that they pleased. If the Lord High Admiral suffers this, H.M. had better send for us all home, for the enemy may doe what they please with us, for they have now frighted away all the seafaring men, who will never come amongst us, and they were of 10 to 1 more service to us than 10 regiments of souldiers. We have within this 8 months lost above 1,200 seamen, and this finishing stroke has frighted all that were left. You that are at home should stirr with great urgency in this affaire, and get 8 or 10 men of war at least, if possible more, to be here with expedition, for wee are threatned with a powerful descent from both French and Spaniard by November next, and all our seamen gone and left us. Believe me we are in a very deplorable and weak condition without some speedy assistance of men of warr. ¾ *p.*

(*e*) Jamaica, July 7. Admiral Graydon and the Fleet from Guardalupa came to Port Royall Keys with the transports. They hove overboard Brigadeer Collumbine, who dyed about Yellows Bay, and as soon as he came there in that harbour and the souldiers were landed, he went a pressing furiously, took not only saylors but others, amongst which Col. Beckford's son Thomas was prest. Att Kingstone on Sunday night the allarm was fired about the said place and every one to his arms. Whipt those masters of vessels that would not come under his sterne at the Keys, and did not doe well by the inhabitants in generall. There is about 80 depositions coming home here against him, and know not how he will come off for such severe actions. ½ *p.*

(*f*) Jamaica, July 24, 1703. Admiral Graydon is sailed from hence for England with all the ships of war which attended this Island, except four of the smallest, which ships will signify little in our defence, if we should be attacked by the French and Spaniards, who are in men much our superiors, 20 to 1, and will without doubt invade this island as soon as they are masters at sea, which I hope of you that are concerned this way will remember and sollicite for speedy succours by sea for us. Whenever you heare the French are a sending any ships of war into these parts you may conclude its for this Island, for we are informed by prisoners from all parts that its agreed on by all the Governors in the French and Spanish Dominions in the West Indies to make a powerful attack upon us on the first occasion that offers, and have agreed what number of men each Government shall employ in the expedition. God preserve us. ½ *p.*

(*g*) Jamaica, July 7. Admiral Graydon is gone hence about a fortnight past with a great fleet to attack a French settlement at Newfoundland. He hath left but 4 men of war and 2 fireships here, and those against his will. Hee is moros and ill-tempered, and if he had staid long here would have allmost ruined the Island by his pressing allmost all sorts of people, and other ill usage—in perticular his taking off a master of a vessell on borde of his ship and whipped him for not going under his sterne, tho' could not doe it without the hazard of looseing his vessel, wch. is what has not bin before practised by or to any Englishman. ½ *p.*

(*h*) (*i*) (*j*) Corroborate above in general terms or by hearsay. 3 *pp.* [*C.O.* 137, 45. *Nos.* 52, 52.i.–x.]

1703.
Nov. 1.
Newcastle.

1225. Lt. Gov. Usher to the Council of Trade and Plantations. I entered on the Govt. Oct. 22. I found the Indians had done a great deal of mischeife, account of wch. I judge you will have from H.E. [*Dudley*]. As to this Province, in a poore miserable condition, H.M. Fourt all out of order, being in a grievous condition, the Capt. of the Fourtt which hath bin in itt ever since 1696 never twice in all the time exercised the Militia, att the Fourtt of 80 barrells of powder when I left the Province, but 20 when I came, noe flagg not one sheet of paper, or one piece of canvis to make one cartridge; all the Militia I examined their armes at Newcastle and found not one halfe fitt for service. Shall take care to redress matters, for a vessell with 10 guns and 20 men might have taken H.M. Fourtt, ye wch. is the key to ye whole country, and off most momentt for H.M. service, *etc.* *Signed,* John Usher. *Endorsed,* Recd. 10th, Read Dec. 31, 1703. *Holograph. Addressed.* $\frac{3}{4}$ *p.* [*C.O.* 5, 863. *No.* 54; *and* 5, 911. *pp.* 162, 163.]

Nov. 1.
Whitehall.

1226. Journal of Council of Trade and Plantations. Letter from Mr. Secretary Hedges, about pitch and tar, read. Mr. Bridger and Mr. Wharton ordered to attend.

Nov. 2.

Copies of papers laid before the Board by Sir B. Gracedieu relating to the Kingston Acts, etc. granted to Col. Laws.

Letter to Mr. Sansom ordered, to enquire what quantities of tar, pitch and hemp have been imported from the East Country 1701–2.

Letter writ to Mr. Waterhouse and Mr. Haynes to desire them to attend in order to discourse about the importation of Naval Stores.

Nov. 3.

Mr. Bridger attending, said that so great tracts of land in America are covered with wood, fit for that service, as particularly about 70 miles between Cape Codd and Rhode Island, and much more elsewhere, that the country is capable of yielding tar more than sufficient for all Europe, and he believed 6,000 barrils might be procured in the first year, from Christmas to Xtmas, 1704, and double the quantity next year, etc. at 30*s.* per barril.

Richard Haynes and Richard Martin attended and promised to make a proposal in writing. [*C.O.* 391, 16. *pp.* 248–252; *and* 391, 97. *pp.* 653–662.]

Nov. 1.

1227. Minutes of Council and Assembly of Jamaica. Revenue Bill, Quit-rent Bill, Additional Duty Bill and the Bill for importation of white men, to which the Board had made some amendments, sent down.

Bill for making the Cay of Fort Charles a Port of Entry was read a third time and unanimously past.

Revenue Bill sent up with one amendment only agreed to.

Quit-rent Bill and Bill for encouraging the importation of white men also sent up, the House refusing amendments.

Nov. 2.

Acts for raising a Revenue to H.M.; and ascertaining H.M. quit-rents, read the third time and past.

1703.

Additional Duty Bill sent up, with the two first amendments only agreed to, was read the third time and passed by the majority.

Bill for continuing an Act for providing an addition to the subsistance of H.M. officers and soldiers, sent up, was read three times and past.

Bill for the importation of white men was read the third time and past.

Message sent down that the Governor required the Minutes to this time to be immediately laid before him.

The Assembly attending, the Governor gave his consent to the above six Acts, and then addressed them :—I am sorry that I must put you in mind that the publick faith of Parliaments and Assemblys has been allwayes held very sacred in reimbursing such sums as have been lent upon it, and that it has not been duly observed by you, as you may easily perceive by your several messages to me and the Council, whereupon several disbursements have been made by the Treasury, some of which as yet you have not made good. But I shall not doubt at your next meeting but that such care will be taken that the Treasury shall be reimburst. All of you will agree that this has been a long and tedious Session, and that your own private affairs as well as the publick does require your attendance in the country, where I heartily recommend to you to put your regimentall troops and companyes in the best order you can, in case our enemies should make an attempt upon us *etc.* Once more I earnestly recommend a good understanding one amongst another *etc.* *And* prorogued them till Jan. 11th. [*C.O.* 140, 6. *pp.* 552–556 ; *and* 569–574.]

Nov. 1. **1228.** Journal of Assembly of Jamaica. *See preceding abstract under date.*

On request Capt. Sutton had leave to sue out a writ of partition against the Speaker, his Honour consenting thereto.

William Vassall, on request, had leave to waive his priviledge and suffer himself to be sued at Common Law at the suit of Robt. Bowen.

Act for continuing an Act for H.M. officers and souldiers in quarters was read and past the third time.

Nov. 2. Petition of Daniel Griffin being read, Capt. Thomas Hudson and Major John Lewis had leave to waive their privilidges, they consenting, and be sued by petitioner as attorney to Charles Hobby.

And see preceding abstract under date.

Ordered that the Journal that was tore be transcribed fair and left in the hands of Noah Delauny, Hugh Totterdell and Matthew Gregory for that purpose, and to be delivd. to the Speaker. [*C.O.* 140, 7. *pp.* 150–154.]

Nov. 2. **1229.** Journal of Assembly of Barbados. The House met by virtue of a special summons from H.E. Letter from H.E. read :—Having at the opening of this Sessions recommended to you divers matters relating to your better security and well doing,

1703.

and withal told you how much more effectual they would be from their dispatch, I can't but with concerne take notice that much time is elapsed and nothing accomplished towards the ends for which I convened you. A further delay will be fatall to you, and that the ill consequence may not lye at my door, I doe very plainly tell you that those amongst you who at this time lay not aside all spirit of division, slowness and private interest, ill answer the trust their country has reposed in them. The Excise Act expires this month, and with it sinks that branch of ye Revenue which is appropriated to maintain the fortifications and defray the most necessary and immediate charges of the publick; it will require all your application to have a Bill ready in time to be presented to me for my assent, and experience has shewn how prejudiciall it is to this country to lett that duty fall though but for a day. I must recommend to your consideration the case of sundry persons who come within the penaltie of several Acts in relation to the payment of double taxes. It appears to me to have happened more through ignorance then designe, and that generally ye poorer and less able sort of people are concerned. It will become you(r) Justice and your charity to give ease in this matter, and if you shall think fit to prepare a Bill for that purpose, when it shall be offered to me in a legal way, it shall have my concurrence. I desire nothing more than to see you established a safe, easy and a happy people; I will chearfully do my part that you may be so, and hope you will not any longer be wanting to yourselves.

Excise Bill read a second and third time.

Ordered that H.E. be addressed, and desired to take into his consideration the moderating the duty of the Guards.

Nov. 3. The above Address was agreed to.

Bill to remit penalties of divers Acts laying taxes on the inhabitants read a first time.

400*l.* in addition voted for putting Pilgrim's into repair for the Governor.

It was proposed to John Pilgrim to make a lease of 21 years for his house, which the Representatives considered a short time considering the improvements, but Pilgrim was inclinable to let the same for 10 years.

Address ordered for paying Lt. Col. George Peers 175*l.* sterl. for his moiety of the value of the *Constant Jane* lost in the country's service.

Address ordered for the payment of 278*l.* 1*s.* 3*d.* to William Reid for servants imported and placed on the country, and 18*l.* sterl. to Richard Baynes for the maintenance of French prisoners.

The petition of the Hon. Samuel Cox about servants imported referred to a Committee to inquire into and report upon within 2 months.

Several petitions for money due referred to a Committee to audit.

Committee appointed to prepare a Bill to prevent the running away with boats continued for one month longer.

Major Pilgrim said he was not inclinable to allow anything towards what had been done to his house, for that he did not esteem them as repairs, but alterations; but in case the lease should commence from the time the same was taken under the rent of 120*l.* and the country to bear all taxes and no allowance for alterations, then he was willing to grant a lease for 21 years; but withall did own that H.E. was to have a lease thereof for as long time as he thought fitt, and that Pilgrim was to allow towards the repairing as far as one, two or three hundred pounds would goe.

It was recommended to this House that H.E. from Session to Session and at any other time and times as he shall think fitt may have a view or copy of the Minnetts of the Assembly, which was consented to. [*C.O.* 31, 7. *pp.* 130–135.]

Nov. 2. St. Jago de la Vega. **1230.** Minutes of Council of Jamaica. Various salaries paid. [*C.O.* 140, 6. *pp.* 181, 182; *and* 193.]

Nov. 3. Boston. **1231.** Minutes of Council of the Massachusetts Bay. 6*l.* 19*s.* 8*d.* paid to Major General Thomas Povey for his expenses at Portsmouth. Accounts of Andrew Belcher, Commissary General, committed.

Nov. 4. 1,825*l.* 18*s.* 11*d.* paid to above for stores supplied to the garrisons eastward and the *Province* galley, Sept. 14–Oct. 23. [*C.O.* 5, 789. *pp.* 544, 545.]

Nov. 3. **1232.** Minutes of Council in Assembly of the Massachusetts Bay. H.E. summoned the Representatives to attend, and Samuel Gibson, of Cambridge, was heard upon his petition complaining of a mistryal in a suit commenced against him by John Gove for trespass, *etc.* and appealed against 1695.

Case of Wm. Merrick heard.

Petition of Mrs. Penelope Winslow, referring to a grant of 800 acres formerly made to Herbert Pelham, heard.

Petition relating to the Great Drawbridge over the Mill-crick in Boston adjourned.

Nov. 4. H.E. sent a message to the House desiring them to proceed with the questions of salaries and Pemaquid, and that no members might be dismist until answers were made thereto. Answer returned that the House were upon consideration thereof.

Committee on the Bill relating to the Proprietors in common and undivided lands, recommended it be laid aside at this Session.

Message sent up to inquire after an Order passed in ye House at a former Session for ye stating of officers' and souldiers' wages; a Bill relating to executors; a Bill relating to the Poor; and a Bill relating to ye proceeding in Appeals upon judgment given in bar or abatement.

H.E. summoned the House to attend the hearing of the case of the great drawbridge.

Nov. 5. Bill relating to executors read a second and third time, passed and sent down.

1703.

Order that there be a full hearing of the case of Samuel Gibson (Nov. 3) at the next Inferior Court of Common Pleas in Middlesex, send down and agreed to.

Bill in addition to the Act about pounds, sent up, was read a first time.

Resolve in the case of Harwich and Manamoit sent down.

Resolve as to the great Drawbridge sent down.

Nov. 6. Report of the Committee appointed to meet the Committee of Connecticott, referring to the line betwixt the two Governments, sent down.

Report of the Committee appointed to inquire into and examine the Indian claims to several tracts of Land, read.

A Bill in addition to the Laws relating to appeals read a first time. [*C.O.* 5, 789. *pp.* 879–882.]

Nov. 4. Whitehall. **1233.** Journal of Council of Trade and Plantations. Letter from the Secretary to Mr. Burchet writ desiring him to remind the Prince's Council of obtaining H.R.H. opinion on the Kingston Act.

Progress made in Report upon importation of pitch and tar.

Letters to Mr. Bridger and Mr. Haynes to bring in their proposals to-morrow ordered.

Nov. 5. Letter from Gov. Sir B. Granville, Aug. 8, read. Copy sent to Mr. Lowndes with letter.

Edward Broughton representing that, about 1695, having by Sir W. Beeston and the Council of Jamaica been put into the office of Receiver of that Island, then vacant, he is now sued here for the profits of that place by the Patentees, and thereupon desiring a copy of Sir W. Beeston's Instructions, Ordered that the same be given to him.

Mr. Haynes excused his not being ready and promised to lay his proposals (Nov. 4) before the Board to-morrow, as also Mr. Bridger.

Nov. 6. Their proposals were read, and they were directed to attend on Monday.

Letter to Mr. Secretary Hedges written [but not sent: *Cf.* Nov. 11, 12]. [*C.O.* 391, 16. *pp.* 253–257; *and* 391, 97. *pp.* 663–671.]

Nov. 4. Portsmouth. **1234.** Minutes of Council of New Hampshire. Nathaniel Fryer, on his petition, was dismist from being a member of this Board, on account of his age and infirmities.

Ordered that all the former Treasurers bring in their accounts from May 16, 1694–May, 1700, to be audited.

The Lt. Gov. (Usher) acquainted the Board that there was letters from Whitehall that all the Records of this Province should be lodged in the hands of the Secretary. Samuel Penhallow, who now hath the keeping of them, said that they were put into his custody by an Order of the L.G., Council and Representatives. He was ordered to produce the said order to this Board at their next sitting.

H.E. having proposed the removal of John Hinkes from his post as Captain of H.M. Fort for several reasons, it is the opinion of the Council that in case H.E. should make any alteration, Shadrach Walton is a very fit and proper person to receive a Commission as Capt. of the same.

John Cotton and Ephraim Manston paid for going post to Boston.

H.E. acquainted Col. Romer that there were several imprest men at H.M. Fort to attend his orders, and that considering the season of the year, they could do no work to the Fort. Col. Romer agreed it was proper to dismiss them and impress no more till next Spring. Ordered accordingly.

Ordered that there be two men imprest at Newcastle to serve as souldjers at the Fort. [*C.O.* 5, 789. *pp.* 151, 152.]

Nov. 5. Whitehall. **1235.** William Popple to William Lownds. Enclosing extract of Sir B. Granville's last letter relating to the pay of the gunners to be laid before the Lord High Treasurer. [*C.O.* 29, 8. *p.* 341.]

Nov. 6. Treasury Chambers. **1236.** Wm. Lowndes to Wm. Popple. It is my Lord Treasurer's desire that when any doubts arise before the Council of Trade and Plantations in points of Law, Mr. Borret, Solicitor for the Treasury, be directed to attend H.M. Attorney and Solicitor Genll. thereupon. *Signed,* Wm. Lowndes. *Endorsed,* Recd. Read Nov. 9, 1703. *Addressed. Sealed.* $\frac{3}{4}$ *p.* [*C.O.* 323, 5. *No.* 22; *and* 324, 8. *pp.* 267, 268.]

Nov. 6. Boston. **1237.** Minutes of Council of the Massachusetts Bay. 12*l.* paid to Benjamin Marston for the hire of his sloop in 1702. [*C.O.* 5, 789. *pp.* 545, 546.]

Nov. 8. **1238.** Sir B. Gracedieu and Others to the Council of Trade and Plantations. Reply to Sir Gilbert Heathcote and Col. Lawes, Oct. 16. It is true that as soon as the Governour had consented to the Laws for disfranchizeing Port Royal and divesting the Freeholders of their propertys there, it was proclaimed at Port Royal, Kingston and Spanish Towne, which being not usual with other Laws, we suppose was occasioned by the zeale and warmth of those Gentlemen whose interest led them to procure the framing and passing those severe Laws, but it's a mistake that the offices were removed to Kingston on this Proclamation, for that they had been oblidged to be kept there, as well as at Port Royal, ever since 1692, the offices indeed ceased at Port Royal, tho' the Receiver General and many other eminent persons still chose to live there. It's true that by compulsion of those Laws many of the merchants and inhabitants of Port Royal resorted to Kingston, some few began to build new houses etc., on which the sums laid out bear no proportion with those on Port Royal, and its probable those persons would have settled there if constant inconveniencеys attending that place had not so soon and so sadly affected them as to oblidge their return to Port Royal, where they are allowed meat, drink and other necessaries of life,

1703.

notwithstanding the severe prohibitions of these Laws. As to the fatal consequences suggested to attend abundance of people, if those laws be not passed, we denye them intirely, for that we don't pray the seat of Trade may be removed from Kingston, noe, lett them enjoy it still, we only begg that those merchants and others may live and trade on Port Royal as formerly, who find it most safe and convenient for their ships, trade, and most healthy for their bodys, and so the builders at either town will have no cause to complain of injustice, being left to their own liberty and freedom. Nor is there the least parallel between the losses on Port Royal and Kingston, for if those Laws pass the Royal assent, all those buildings on Port Royal and the vast sums expended thereon, far exceeding those at Kingston, will be intirely lost, to the utter ruin of most the Proprietors, whereas if not, yet the builders at Kingston will still enjoy all the freedom and advantages of trade, markets *etc.* they can reasonably desire, and all ships that will may go up to them, the offices being still obliged to be kept there. As to Col. Lawes, we have a very just vallue for his good character, having lived 40 year on the Island, long of the Council and Chieff Justice, as Sir Gilbert Heathcote saith, who tho' an honest gentleman, yett by his freinds there is said to be very warme and mightily biassed in this matter, which may be very excusable in a person who hath so large an estate so near Kingston, but yet there are of a quite different opinion, Col. Beckford, Col. Ayscough, Col. Knight, Col. Watson, Col. Sadler and many others of the Council, Assembly and most eminent planters, merchants, freeholders and traders *etc.* As to Col. Lawes asserting that the generallity of people seemed to be resolved never more to trust their lives and estates on Port Royal, many persons of worth and value would never leave it, and utmost application by petition was made to the Council against those Laws, tho' the Petitioners were refused to be heard, and threatened for so humbly endeavouring to preserve their liberty and property. As to the value of the lotts there, it is very little in so incommodious a place, and one of us having lotts there ever since 1692, could never yett sell them for so much money as it cost him to clear the wood or running them out. As to the ships delivering and lading at Kingston after the Laws passed there, they did it by force to their great hazard, charge and delay, however if it be most convenient for them, they may and will always go up to Kingston, tho' this Law be rejected, but as to the Masters' opinion thereof, we refer to their declarations. The buildings at Port Royal are much more numerous and valuable since the fire than at Kingston, and the permission of the Government since the passing these Laws is an evident demonstration that both Governour and people do by dayly experience see the necessity of resettling it. It is so well peopled that by a person come lately thence we are told that there being an alarum sounded on ye danger of an enemy since ye fire, there presently appeared at arms allmost 300 effective men. Col. Lawes owns the Forts at Port Royal to be still standing, whereas indeed they are in much better condition then formerly, when they so deterr'd formidable enemys that they durst not attempt entering that harbour, and as to the provisional subsistance for defending those forts, if any such be made, its but for a few men and that cant be supposed to be sufficient for the defence thereof, the Royal Fort and the others there having above 120 guns mounted, some of them of brass and of great weight and bigness; besides we are humbly of opinion that the Forts will be most safely defended by the assistance of the inhabitants, in which Col. Lawes agrees, having frequently at your Honours' Board declared that if the Forts at Port Royal be maintained, then the people must be permitted to build there again; if the town be not rebuilt, then the Forts must all be destroyed.

If Col. Lilly says that ships and trade are more safe at Kingston without a gunn then at Port Royal wth. all its fortifications, this seems very strangely asserted, but it may be true in part, for that if the ships are once gott through the narrow Channel into Kingston Harbour, and the Harbour of Port Royal left open to an enemy, 'twill be easy for them to sink one or two flyboats loaden with stones in the narrow Channel going to Kingston, where there being no tide nor other convenience for weighing vessels again, the Channel cant possibly be cleared in many months, if at all, and so tho' there may be 10 men of war and 20 merchant ships there, all will be blockt up and rendred useless, and the Parish of St. Katherines, Spannish Town (where the Governor resides) and almost ¾ of the Island will be all exposed to the insults of an enemy riding in Port Royal Harbour, tho' Kingston may perhaps be thus sadly secured. Beside, Col. Lilly must know that all ships coming into or going out of Kingston Harbour must first anchor for some time and ofttimes for many days in Port Royal Harbour, where, if there be no fort to defend them, they will be more liable to the enemy's ships of war or privateers than if in the open sea. As to Col. Lawes last assertion, that if the Laws do not pass, the new builders at Kingston must suffer a far greater calamity than when deceived after the earthquake, the answer is plaine, tho' this Law don't pass, they will still enjoy their buildings with equal advantages and immunitys as Port Royal, and its strange they should so earnestly pursue and desire their private advantage, if it can be obtained no other way then by the ruin of their neighbours' lives, lands and estates, and the utmost danger to H.M. Island. As to the Governor, Council and Assembly there being thought improper judges where they shall remove the chief seat of Trade after so many years being at Port Royal with safety and success, we hope still to enjoy that security and happiness in H.M. decisive Order in Council to reject those Laws, so dangerous to her Island and destructive to her subjects and their trade. *Signed*, Bartho. Graccdieu, Benj. Way, James Whitchurch, Ste. Mason. *Endorsed*, Recd. Read Nov. 9, 1703. 3½ *pp.* *Enclosed*,

1238. i. Memorial of Masters of ships, that Port Royal is much more convenient for shipping than Kingston. [*See above and Oct.* 30.] 21 *Signatures.* 1 *p.* [*C.O.* 137, 6. *Nos.* 13, 13.i.]

1703.
Nov. 8.
Bristoll.

1239. [Major] Yates to William Blathwayt. Enclosing following to be laid before the Board [*of Trade*]. *Signed*, Robert Yates. 1 *p.* *Enclosed*,

1239. i. Reasons offered by the merchants of Bristol for the resettlement of Port Royal. (1) It is navigable without the help of Pilots; Kingstowne lies about 2 leagues within the harbour and the channel leading thereto being in showle water and many turnings is (tho' with the assistance of pilots) very subject to misfortunes by running on ground. (2) Port Royal is a harbour where ships may ride safe and load at all times, whereas at Kingstowne the ships ride in danger by the violence of the sea-breezes and can neither discharge nor load while those breezes continue, which are generally from 9 a.m. to 5 p.m. (3) The fortifications at Port Royal are very strong; none at Kingstowne, and if there were, could not secure the Island and trade, for if Port Royal were left under command of soldiers only, the enemy may make a lodgment thereon and easily burn the ships and town of Kingstowne, likewise hinder any ships from going to or from thence by sinking ships in the narrowest part of the channell leading thereto, to the utter loss of the Island. (4) Port Royall is esteemed to be the healthiest place of the Island, whereas Kingstowne lyes very near morasses and swampy ground yt. occasions very noisome and stinking vapours, which by experience hath proved very unhealthy, and especially since the burning of Port Royall, above one fourth of the people that removed thence to Kingstowne being already dead. And it was one reason of the sailors deserting the Island and going to Curasoa, that they could not be permitted to continue at Port Royall. (5) Port Royal is the most convenient place for the trade and disposal of all goods. 56 signatures. *Endorsed*, Recd. 11th, Read Nov. 12, 1703. 1 *large p.* [*C.O.* 137, 6. *Nos.* 12, 12.i.]

Nov. 8.
Whitehall.

1240. Journal of Council of Trade and Plantations. Mr. Haynes and Mr. Bridger attending, promised to reconsider their proposals and remove ambiguities therein.

Nov. 9.

Letter from David Waterhouse and Stephen Mason; as in answer writ Nov. 2, whereby they appear to have mistaken ye subject for which their Lordships then desired to speak with them; the Secretary wrote again to acquaint them that the matter now under consideration does not concern the Charter which they formerly opposed, but relates to the bringing of pitch and tarr from the Plantations by private undertakers, and to desire their particular proposals to-morrow.

Letter from Mr. Burchet (Nov. 8) signifying that Rear Admiral Whetstone being now in town a report will be made in a few days upon the Kingston Acts, read.

1703.

Letter from Mr. Lowndes (Nov. 6) read, and Mr. Borrett ordered to attend to-morrow.

A circular letter from Lord Nottingham, Oct. 26, being communicated to this Board, a letter was thereupon writ to his Lordship.

Memorial presented by Sir B. Gracedieu read.

Nov. 10. Mr. Bridger's proposals read, as also Mr. Haynes'. Mr. Mason and Mr. Oursel attending, promised to prepare proposals against to-morrow morning. [*C.O.* 391, 16. *pp.* 258–263; *and* 391, 97. *pp.* 675–683.]

Nov. 8. **1241.** Minutes of Council [*in Assembly*] of Barbados. Petition of Capt. John Smith, Alexander Forrester and others read, setting forth that they were informed that the Hon. Saml. Cox had made complaint to H.E. that they were supposed to have committed great misdemeanours and breach of the Peace on Friday last at night, and that he had issued his warrant for bringing them before him; that petitioners knowing themselves noways guilty of any misdemeanours or breach of the Peace, and that they only mett in the Old Church Yard to solemnize Nov. 5th in a legal and accustomed manner, and therefore desired H.E. would supersede said warrant, and hear the merits of their cause in Council, or else that it might be referred to the examination of the two next Justices of the Peace, where the supposed offence was alleged to be committed. Petition dismissed.

Account of Edward Arnell referred to the Assembly to report upon.

H.E. having been informed that a prisoner, who was committed for piracy as also another for felony, had lately made their escapes out of the common goale, and supposed to be wilfully or through the neglect of George Wilshire, the keeper, H.E. ordered the Attorney and Solicitor General to prosecute him at the next Grand Sessions.

Bills for laying an imposition upon wines and other strong liquors; and for the encouragement of white servants sent up from the Assembly.

Vote sent up from the Assembly of 400*l.* more for the repair of Pilgrim's house.

Address for the payment of Mr. Reynoldson's account sent up.

Address for the payment of 625*l.* 18*s.* 9*d.* to Capt. Kingston Townsend, for provisioning the *Larke*, sent up.

Excise Bill read twice and committed.

Nov. 9. Ordered that writs be published in the parish churches for holding the Grand Sessions the second Tuesday in December.

Excise Bill read a third time and passed.

Bill for encouraging white servants read the first time.

And see Journal of Assembly under date.

H.E. replied to the Address of the Assembly (*there given*). Nothing can pleasure me more than to find my endeavours are acceptable to you. I am sorry that the guarding is troublesome to the people, but the publick will be very unsafe if the coast bee left naked; that I might contribute all I could to their ease,

1703.

I have freed them from all duty but what relates to their own preservation, and exempted them from that attendance on my person which had beene customary to my predecessors. If you can propose any better way I shall embrace itt *etc.*

Writ for choosing a Member for the Parish of St. Phillipp's in the room of Lt. Col. Ince issued.

Petition of Lt: Col. Wm. Terrill to be reimbursed for parish dues for Fontobell Plantation during the Governor's residence there, referred to the Assembly.

Payment of Thomas Reynoldson's account ordered.

700*l.* ordered to be paid towards the repairs etc. of Pilgrim's House. [*C.O.* 31, 8. *pp.* 141–149.]

Nov. 8. **1242.** Minutes of Council in Assembly of the Massachusetts Bay. Petition of Bernard Trott, praying for the revival of an Order passed by the Governor and Council of the late Colony of the Massachusetts Bay, 1677, for 59*l.* to be paid to him for redeeming two Indians, read.

Petition of Joseph Bean, read and sent down.

Bill in addition to the Act about Pounds read a second time and committed.

Resolve about the great Drawbridge was returned from the Representatives with their non-concurrence.

Order referring to Harwich and Manamoit returned with the concurrence of the Representatives:—that Gershom Hall, Benj. Hall, Samuel Hall, Munoa Ellis, Joseph Sefference, and Samuel Nicholson pay their quotas of charges to the town of Harwich, there being a learned orthodox Minister there, until there be one settled in Manamoit, when this Court may take further order.

Message sent down to move the House to consider of a supply of the Treasury to carry through the winter and to procure a stock of powder with, and that they will bring forward the public business lying before them.

Nov. 9. Bill in addition to the Act about Pounds read and rejected, and a new one drawn up.

H.E. sent a message that he was very ill and not able to come to town.

Nov. 10. Resolve sent up, for establishing officers and souldiers' wages, read.

Resolve sent up, for encouragement to the forces that are or shall be detached against the Indian enemy, read.

Order sent up, for reviving the Committee to prepare a bill for further encouraging of Schools, read. [*C.O.* 5, 789. *pp.* 882, 883.]

Nov. 9. Whitehall. **1243.** Council of Trade and Plantations to the Earl of Nottingham. Having received from your Lordship's Office a Circular Letter from your Lordship of Oct. 26, to the Governours in America, by which we observe that H.M. subjects are equally forbid any trade with the Spaniards as with the French, which we conceive to be contrary to our opinion formerly offered to your Lordship, pursuant whereunto letters were writ to the respective Governours, as also to our Report now in your Lordship's hands to be presented to H.M., we take leave to report, that in this conjuncture a distinction between the French and Spaniards in America is become more than ever necessary in point of trade, and desire that your Lordship's letters may not be sent till H.M. pleasure be known upon our Report, to which we refer ourselves. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Autographs*. 1 *p*. [*C.O.* 5, 3. *No*. 8; *and* 324, 8. *pp*. 270, 271.]

Nov. 9. **1244.** Journal of Assembly of Barbados. William Holder re-elected Speaker. Several Committees were renewed.

Samuel Maynard appointed a Member of the Committee on the Act of Militia in the room of Lt. Col. Ince decd.

Col. Leslie, Enoch Gretton and Henry Harding excused attendance being sick.

Address in reply to H.E. (Nov. 2) passed with amendments: As the neglect and delays which have lately happened in the publick affaires which you so earnestly recommend to me in your gracious speech having justly laid us under your resentments and ought to put those amongst us, who have been the cause of such a stagnation in business, upon a serious and speedy reformation, so we hope that for the future we shall be all of us ready by our constant attendance to retrieve the time which we have lost, that so great a progress may be made in those matters in your said speech mentioned, that it may result into those publick advantages which are the objects of your Excellency's extraordinary care for our preservation. Nothing can be a greater manifestation of your Excellency's good and gracious Intentions then the kind letter (Nov. 2) representing the unreasonable divisions amongst us as the cause of our neglects in the pressing and emergent affairs of our Country, which hath had so good effect that wee yesterday were enabled to pass the Bill of Excise and thereby preserve that great Revenue which was just sinking. The comiseration which your Excellency hath for the condition of those persons who have been returned as offenders against the several Statutes, as 'tis an Act of great charity and compassion, so 'tis a convincing argument of your Excellency's universal concern for our well being, and more fully demonstrates that you intend nothing so much as zealously to promote our felicity in every particular. And 'tis from this confidence and in the dependance wch. we have in your Excellency's good disposition towards us, that we do most humbly lay before you the heavy burthen the Inhabitants in general lye under from the guarding, but especially the poorer sort of people amongst us, who are reduced to the last extremity, which may be of fatal consequence, unless your Excellency will be pleased speedily to interpose with your gracious favour. We shall not presume to offer our advice as to the regulating the Guards, but we doubt not such is the sprightly conduct of your Excellency that you will fall on such measures as may at once both ease us of our burthen and secure us from the insults of our enemies.

1703.

Bill for remitting penalties read a second and third times.

The Assembly waiting upon H.E. and Council delivered the above Address and Bill, and acquainted H.E. with the resolves of the House for the maintenance of the Governor's House, and desired a writ for the election of a Representative in place of Lt. Col. Thomas Ince.

Joint-Committee appointed to make agreements with John Pilgrim.

Lt. Col. George Peers was approved of by the Board to be keeper of the Stores of the Magazeen.

Nov. 10. The Members present being but 12 adjourned till Tuesday come sevennight. [*C.O.* 31, 7. *pp.* 135–139.]

Nov. 9. Portsmouth. **1245.** Minutes of Council of New Hampshire. H.E. communicated part of H.M. Instructions to Governor Dudley, that in the absence of any of the Council above 12 months without leave *etc.* to be null and void as Members of Council, *etc.*

Ordered that an oath be given to the L.G. and Council for the administration of Justice in cases of Appeal.

Petition of Elizabeth Wybird relating to the seizure of four baggs of cotton in 1701 by Sampson Sheafe read. Ordered that he attend to-morrow to answer it.

Petition of Tobias Langdon read, that he having the command of one of the companys of Militia in Portsmouth, did carry his company to the training field to exercise them, and finding a fence about the said field, did with the concurrence of the Militia officers of the other Company and his own remove it. Whereupon Wm. Cotton, who set it up, made complaint to Lt. Gov. Partridge and Council, who were pleased to amerce petitioner 2*l.* 10*s.* 0*d.* costs, and ordered execution against him without having the benefit of the law and liberty of a subject to be tried by his peers in a legal course. Prays to be acquitted of said cost, or at least that the execution be suspended until William Cotton legally make out his title to the said traineing field, which hath been occupied for that use above 40 years. Ordered that Wm. Cotton attend to-morrow.

Nov. 10. Petition of Capt. Robert Eason for abatement of powder duty, read.

Mr. Sampson Sheafe, attending, owned the substance of Elizabeth Wybird's petition (Nov. 9). Writ of Delivery ordered, directed to the Deputy Collector of H.M. Customs, to deliver the said four baggs of Cotton wool to petitioner, she first giving in sufficient security to H.M. that in case the said wool shall become forfeited, by any decree of the Judge of the Court of Admiralty, before whom it was tried, within three months, to pay to H.M. the value of the cotton-wool according to apprizement by three just and honest men ; but if no such decree pass within 3 months, the same having laid undetermined after trial in said Court ever since last Feb., that then the said bonds be null and void.

Samuel Penhallow delivered the Orders of Council *etc.* required of him (Nov. 4). The L.G. delivered an acct. of what Records

1703.

were put into Major William Vaughan's hands, formerly Recorder, and now in Mr. Penhallow's.

Ordered that the Secretary write to H.E. [? *Dudley*] that this Board humbly offers that as Capt. Eason intends the latter end of this month to sail for England, that H.E. would order an Assembly to meet some convenient time before, in order to lay before H.M. the present state of the Province. [*C.O.* 5, 789. *pp.* 155–160.]

Nov. 9. Portsmouth. **1246.** Minutes of Council and Assembly of New Hampshire. *Present*, Lt. Gov. John Usher etc. Petition of Robert Eason, Capt. of the *Thennett*, built in the Piscataqua and in the Queen's service fetching timber ever since, praying for an abatement of powder-duty for that reason, read.

H.E. summoned the Assembly and prorogued them for a month, having received a letter from Governor Dudley "signifying his desire to prorogue you for another month, designing to see you." [*C.O.* 5, 789. *p.* 347.]

Nov. 10. **1247.** J. Bridger to the Council of Trade and Plantations. In obedience to your Lordships' commands, I humbly propose for myself and others, to supply H.M., from her own Plantations in North America, with 2,500 barrells of pitch and tarr in 5 years to commence from May 31, 1704, at the rate of 20*s.* *per* hundred of pitch, and at 30*s.* p. barrell of tarr, each gauging thirty gallons, to be delivered at Deptford, danger of the seas and restraint of Princes excepted. Provided H.M. advance and pay to the Undertakers in specie at or before the signing of any contract the summe of 6,000*l.*, and after the compleating of the first years contract to advance towards the second year, 4,000*l.* and the third year 3,000*l.*, the like summ for the fourth year, and 2,000*l.* for the fifth year; H.M. to find convoy etc., and to protect so many men as are necessary for the sayling of those ships so imploy'd; H.M. to grant letters to the severall Governours to assist encourage and countenance this undertaking. The Undertakers humbly take leave to acquaint your Lordships, that they conceive those stores cannot be furnished at present from those Plantations under the rates proposed by reason they are obliged to procure servants here, and to transport them to the Plantations (without which so great quantities cannot be raised, labourers being very few and dear there). They are further of opinion that after the expiration of this contract they shall be able to furnish H.M. at a cheaper rate, and with greater quantities; and for the encouragement of this undertaking, 'tis humbly hoped H.M. will grant that all naval stores imported from her own Plantations may be custome free. *Signed*, J. Bridger. *Endorsed*, Recd. Read Nov. 10, 1703. 2 *pp.* [*C.O.* 5, 863. *No.* 55; *and* 5, 911. *pp.* 131–133.]

Nov. 10. London. **1248.** Proposal for importing Pitch and Tarr from H.M. Plantations. Offered by Richard Haynes. *Endorsed*, Recd. Read Nov. 10, 1703. 2 *pp.* [*C.O.* 5, 863. *No.* 56; *and* 5, 911. *pp.* 134–136.]

1703.
Nov. 10. Perth Amboy. **1249.** Journal of Assembly of Nova Cesaria [*New Jersey*]. Obadiah Bown, Jedadiah Allen, Michael Howden, Peter Van Este, John Reid, John Harrison, Cornelius Tunison and Richard Hartshorn, for the Eastern Division; Thomas Lambert, Will. Beedle, Will. Stephenson, Restore Leppincot, John Key, John Hugg jr., Joseph Cooper, Will. Hall, John Mason, and John Smith, for the West Division; Peter Fretwel, and Tho. Gardiner for Burlington; Tho. Gordon and Miles Forster, for the City of Perth Amboy, were all duly sworn or attested as Members. H.E. communicated the original writs and returns to the House. He appointed Will. Anderson Clerk of the Assembly, who took the oaths appointed.

Tho. Gardiner was chosen Speaker. He was approved by H.E., who recommended the Council and Assembly to apply themselves heartily and seriously to the reconciling the unhappy differences of the Province *etc.* He recommended to the Assembly that the Bills they should think fit to offer should not be repugnant to the Laws of England; that the stile of enacting should be by Governor, Council and Assembly, and each different matter enacted by a different Law. In all Laws granting money and imposing fines express mention to be made that the same is granted unto H.M., her heirs or successors, for the public use of this Province and the support of the Government thereof. "I am farther commanded by the Queen to recommend it to you to raise and settle a Revenue for defraying the necessary charge of the Government of this Province, in order to support the dignity of it; and to prepare a Bill or Bills whereby the right and property of the General Proprietors to the soil of this Province may be confirmed to them, according to their respective rights and titles, together wth. all Quit-Rents and all other Privileges, as are expressed in the conveyances made by the Duke of York, except only the right of Government which remains in the Queen. H.M. has been graciously pleased to grant to all her subjects in this Province (except Papists) Liberty of Conscience. No Governor is henceforth to receive any present from the Assembly. In reply to the request of the House that H.E. would grant them their accustomed rights and privileges, vizt. (1) that their members and servants be free from arrest or molestation during the Session, (2) that they may have free access to H.E., (3) liberty of speech and a favourable construction of all debates, (4) that if any misunderstanding should happen to arise between the Council and this House, a Committee of the Council may be appointed to confer with a Committee of this House for the adjusting and reconciling all such differences; H.E. granted the three first, but rejected the fourth as an innovation.

Nov. 11. Address to H.E. agreed upon, expressing the thanks of the House for his Speech and their satisfaction in his appointment. "We are well assured the Proprietors, by their surrendry of their rights to the Government of this Province, have put us in circumstances much better than we were in, they not being able to protect us from the villanies of wicked men, and we have an intire dependance on H.M. that she will protect us in the full

1703.

enjoyment of our rights, liberties, and properties. . . . We think our stars have been propitious in placing us under the government and direction of the greatest of Queens and the best of Laws *etc.* We shall joyn our utmost endeavours to unite our unhappy differences *etc.* We shall follow the directions given in your Excellency's Speech with what dispatch the nature of the things require."

All the Members agreed to the subject matter of the above, though several of them dissent from the stile of some of the expressions.

The House attending, H.E. accepted their address very kindly.

Nov. 12. Petition of Capt. John Bown, John Roise, Richd. Salter, Anthony Woodward, and Will. Laurence jr., read, complaining of five undue elections in the Eastern Division. Ordered that the Sheriff, Tho. Gordon, make his answer thereto, with leave meantime to send for such persons as he should want for his defence.

Bills to confirm the Proprietors' Right to the soil, as recommended in H.E. Speech; and against purchases of land from the Indians without the Proprietors' consent; and for reconciling the differences of the Province, ordered to be prepared.

Message sent up praying H.E. to favour the House with the Laws of the Western Division. H.E. informed the House that he had the Book of the Laws of West Jersey, but having put it up in a box with other books, they were left at Elizabeth Town, but the House should have them to-morrow.

Nov. 13. Richard Salter etc. granted leave to call evidence for their petitions, not exceeding 20 persons.

Motion about money advanced on the credit of Acts formerly made in the Western Division referred to Committee of the whole House. [*C.O.* 5, 1019. *pp.* 469–477.]

Nov. 11. London. **1250.** Stephen Mason and Nicholas Oursel to the Council of Trade and Plantations. Memorial relating to the importing pitch and tar from America. *Concludes* that it may be most for H.M. service to employ some merchants here versed in the trade of that country to purchase by their factors said stores upon H.M. account, to be brought home in H.M. ships etc. *Signed,* Ste. Mason, Nich. Oursel. *Endorsed,* Recd. Read Nov. 11, 1703. 1 *closely written p.* [*C.O.* 5, 863. *No.* 58; *and* 5, 911. *pp.* 136–140.]

Nov. 11. St. James's. **1251.** Order of Queen in Council. Repealing two Acts of New Hampshire as recommended in Representation of Oct. 29. *Signed.* John Povey. *Endorsed,* Recd. Read Jan. 24, 170$\frac{3}{4}$. 1 *p.* [*C.O.* 5, 863. *No.* 57; *and* 5, 911. *pp.* 188, 189.]

Nov. 11. **1252.** Solicitor General to the Council of Trade and Plantations. I have considered the Acts of Jamaica March 17, 170$\frac{2}{3}$. The Act for quartering officers and soldiers is expired, and the Act for reviving the additional duty. The intention of the Act prohibiting the exportation of arms, provisions etc.

1703.

to strangers in tyme of danger is to prevent the French and Spaniards from being supplied from Jamaica, but the enacting part prohibits the exportation of arms, ammunition, flower, beef, pork, fish or any other sort of provision, and also cables, anchors, sails, rigging, pitch and tarr for any purposes, or on any occasion whatsoever, except to some few particular places mentioned in the Act. If your Lopps. should think such a general prohibition necessary during the warr, yet this Act is penned in such general words that it may expose innocent persons who have no intention to break this law to very severe penalties. The allowing 10*l.* out of every 100*l.* forfeiture to the Attorney General for his share, and disabling him to enter any *nolle prosequi* upon any information, I conceive to be unpresidented, and highly derogatory to the Queen's prerogative. The Attorney General is *ex officio* to prosecute when he thinks it reasonable, but the allotting such a share out of every forfeiture to him may give occasion to suspect that many unreasonable prosecutions may be made and carried on for his interest only. In regard to the allotting such a part of the penalty to the Attorney General and restraining the entry of any *nolle prosequi*, tho the Act had been so drawn as to answer the intentions of it, I humbly conceive the same ought not to be approved.

The Act for naturalization of Josiah James Hanses, a minor, and others, doth not only naturalize Hanses but all other persons whatsoever already born, or who shall at any time hereafter be born on the High Seas of English parents in an English bottom navigated according to the law of England and sailing from any of the Queen's dominions to Jamaica. No such general naturalization has ever passed in England. In the 9th of K. William III an Act passed in England for naturalizing the children of officers and soldiers and others borne abroad during the late warr, whose parents had been in the service of the government, but this Act naturalizes all, whether their parents had been in the service of the Govmt. or not, and is not restrained to the late war or any tyme past, but is perpetuall. This Act renders H.M. prerogative in making denizens within that Island so far useless as this Act extends, for which reason I conceive it not fit to be approved, tho I have no objection against that part thereof that relates to the naturalization of Hanses therein particularly named. *Signed*, Sim. Harcourt. *Endorsed*, Recd. Nov. 12, 1703. Read March 28, 1704. 1¾ *pp.* [*C.O.* 137, 6. *No.* 17.A.; *and* 138, 11. *pp.* 158–161.]

Nov. 11.
St. James's.

1253. Order of Queen in Council. Approving Representation of Oct. 22 and ordering a letter to be writ to the Lieutenant Governor and Council of Jamaica taking notice of the disorders mentioned, and H.M. dislike thereof, and enjoyning the Assembly to lay aside their private heats and animositys and to attend with diligence and moderation H.M. service and the publick welfare of the Island. The Council of Trade and Plantations to prepare a draught of the said letter for H.M. signature. *Signed*,

1703.

John Povey. *Endorsed*, Recd. Nov. 24, Read Dec. 22, 1703. 1 *p.* [*C.O.* 137, 6. *No.* 16; *and* 138, 11. *p.* 94.]

Nov. 11. St. James's. **1254.** Order of Queen in Council. Upon reading Representation of Oct. 22, ordered that an extract be sent to the Council of H.R.H. the Lord High Admiral, who are to examine the late proceedings of the Captains of the men of war at Jamaica, in reference to the impressing of seamen, and to lay before H.R.H. such further Instructions as may be necessary to be given for preventing the like irregularitys and mischeifs in the impressing of men in Jamaica and the other the Plantations for the future. *Signed*, John Povey. *Endorsed*, Recd. Nov. 24, Read Dec. 22, 1703. 1 *p.* [*C.O.* 137, 6. *No.* 15; *and* 138, 11. *pp.* 92, 93.]

Nov. 11. At the Court of St. James's. **1255.** Order of Queen in Council. Repealing the Act of Jamaica *for the encouragement of privateers*, upon the Representation of Oct. 22. *Signed*, John Povey. *Endorsed*, Recd. Nov. 24, Read Dec. 22, 1703. 1 *p.* [*C.O.* 137, 6. *No.* 14; *and* 138, 11. *pp.* 91, 92.]

Nov. 11. St. James's. **1256.** Order of Queen in Council. Approving Representation of Oct. 15 relating to the Officers at Jamaica, and ordering the Council of Trade and Plantations to prepare an Instruction to the Governor in Chief who shall be appointed by H.M. for the Island of Jamaica, according to the said Representation. *Signed*, John Povey. *Endorsed*, Recd. Nov. 24, Read Dec. 22, 1703. ¾ *p.* [*C.O.* 137, 6. *No.* 17; *and* 138, 11. *pp.* 90, 91.]

Nov. 11. Whitehall. **1257.** Journal of Council of Trade and Plantations. Memorial from Mr. Mason and Mr. Oursel, about pitch and tar, read. The letter writ to Mr. Secretary Hedges upon that subject being received back, in order to such additions and amendments as may be thought fit, their Lordships accordingly agreed upon some, and ordered it in that manner to be transcribed, and the memorials of Mr. Haynes and Mr. Bridger (Nov. 10) to be thereunto annexed, together with this of Mr. Mason.

Nov. 12. Above letter signed.

Letter from Major Yeates read.

Memorials of Sir B. Gracedieu etc. read.

Letter from Lt. Gov. Bennet, Aug. 9, read, and enclosures laid before the Board. [*C.O.* 391, 16. *pp.* 263–268; *and* 391, 97. *pp.* 687–694.]

Nov. 11. St. Jago de la Vega. **1258.** Minutes of Council of Jamaica. Peter Beckford and William Nedham were offered and approved as the Secretaries of Chas. Chaplin, Receiver General. Ordered that his accounts be audited. [*C.O.* 140, 6. *pp.* 182, 183; *and* 194.]

Nov. 11. **1259.** Minutes of Council in Assembly of the Massachusetts Bay. H.E. could not come to town by reason of his sickness.

Nov. 12. H.E. continuing ill, the Council adjourned till 15th. [*C.O.* 5, 789. *p.* 884.]

1703.
Nov. 12.
Whitehall.

1260. Council of Trade and Plantations to Mr. Secretary Hedges. In reply to letter of Oct. 30. Pitch and tar may be had from all H.M. Plantations on the continent of America, but with the greatest convenience and in the greatest plenty from New England. Hitherto, for want of encouragement from England and by reason of the desertion of the northern parts of New England, occasioned by the incursions of the French and their Indians, no undertaking of this kind has been pursued by private persons. *Present* the petition of Sir M. Dudley *etc.* to the Lords of the Council, and give an abstract of their proceedings in relation to Naval Stores. *Signed*, Weymouth, Dartmouth, Cecill, Ph. Meadows, John Pollexfen, Mat. Prior. [*C.O.* 5, 911. *pp.* 141–151.]

[Nov. 12.]

1261. Sir B. Gracedieu and others to the Commissioners of Customs. *Repeats arguments concerning Port Royal and Kingston. See* Oct. 30, and Nov. 8. *Signed*, Bartho. Gracedieu, Benj. Way, James Whitchurch. *Endorsed*, Recd. Read Nov. 12, 1703. *Copy.* 2½ *pp.* [*C.O.* 137, 6. *No.* 18.]

Nov. 13.
Office of
Ordnance.

1262. Board of Ordnance to the Council of Trade and Plantations. Mr. Sherrard who went last year Engineer from this office to Barbados being dead, and H.M. having ordered another forthwith to be sent, and we being informed that Col. Romer may without prejudice to H.M. service be removed from New England to Barbados, would know if your Lordships have any objections. *Signed*, Granville, Wm. Bridges, Ja. Lowther, C. Musgrave, Ja. Craggs. *Autographs. Endorsed*, Recd. Read Nov. 16, 1703. 1 *p.* [*C.O.* 28, 6. *No.* 107; *and* 29, 8. *p.* 342.]

Nov. 13.
Admiralty
Office.

1263. J. Burchett to Wm. Popple. H.R.H. desires that my Lords of the Council for Trade and Plantations will report to him as soon as conveniently they can what times may be most proper for the convoys to sail from hence, and how long it may be convenient to remain in those parts for bringing home the respective trades. *Signed*, J. Burchett. *Endorsed*, Recd. Read Nov. 16, 1703. *Addressed.* ¾ *p.* [*C.O.* 323, 5. *No.* 23; *and* 324, 8. *p.* 279.]

Nov. 14.
St. John's.

1264. Lieut. Lloyd to the Council of Trade and Plantations. Captain Michael Richards who lately commanded H.M. Company of Foot here, being gone for England, I thought it my duty, being the next officer in command, to give your Lordships an account of the affaires of this country. *Encloses* a muster roll of the Company. The depositions of the deserters from Plasentia with a list of the inhabitants in and about St. Johns, who this year is much lessened to what was usuall, through the means of the New England ships, who to the prejudice of this country have allwayes made it their practice to entice and carry away the people of this place; there being noe power nor orders of punishment for such crimes which makes ym. act wholely for their own interest not valuing the publique good, which in time, if not prevented, must needs prove very detrimentall to the Fishery of Newfoundland. I allso send an account of cloaths damnifyed that was sent to this Company this year, as appeared by the survey of Masters of shipps and others; the necessity the soldiers were in for cloaths obliged me to take the methods inclosed, which I hope your Lordships will approve of. I find also that some of the provisions for the garrison is damaged, which to me appears to be received on board the ships, as likewise the cloathing. I humbly pray that the Commodore for the ensuing year may have orders to examine into these affairs, and hope your Lordships will give such orders that I shall be no sufferer in what disbursements I made, as shall be made appear to be for the good of the service. I have prevailed with the inhabitants of St. Johns, to contribute a small sum towards maintaining of spies to procure intelligence from the enemy at Plasentia, a copy of which I inclose. I have sent three men towards Plasentia Oct. 29, but by badness of weather are not yet returned. I question not having once a month an account of the French proceedings there, which I shall be carefull as opportunity serves to return your Lordships. Nov. 7th, 7 Frenchmen surprized Renous near Ferryland, and did the people much damage. They reported there was two large ships arrived at Plasentia lately, loaded with provisions. The soldiers are more contented than was once expected, and am fully sattisfyed none will desert this year. But I humbly pray there may be a releif next spring, some of them having been kept in the country for 7 years past, which is ye needfull from, *Signed*, Thos. Lloyd. *Endorsed*, Recd. Dec. 8, 1703, Read March 21, 170¾. 2 *pp.* *Enclosed*,

1264. i. Abstract of preceding. 1 *p.*

1264. ii. Muster-Roll of the Company at Newfoundland; Oct. 8, 1703. 91 men and officers. *Endorsed as preceding.* 1 *p.*

1264. iii. Copy of the Examination of Laville and Bellrose. [*See* Oct. 4.]

1264. iv. Examination of Jon. Grimma and Lassuse, two deserters from Placentia. Corroborates preceding. 1½ *pp.*

1264. v. List of the Inhabitants of St. John's Harbour, Newfoundland, Nov. 8, 1703. 79 masters (*names given*), 148 servants, 68 women, 78 children; of Quidvidy, 28 masters (*names given*), 44 servants, 12 women, 10 children; Petty Harbour, 19 masters, 35 servants, 6 women, 4 children. *Endorsed as preceding.* 3 *pp.*

1264. vi. Certificate as to damaged cloaths referred to above. *Signed*, Tho. Whitroe, Wm. Oulder, Jon. Roope. Oct. 28, 1703. *Endorsed as preceding.* 1 *p.*

1264. vii. Account of expenses in supplying the Company at Newfoundland with cloths in the room of them damnifyed 81*l.* 3*s.* 0*d.* *Signed*, Tho. Lloyd. *Endorsed as preceding.* 1 *p.*

1264. viii. Subscription of inhabitants of Newfoundland for maintaining spies to procure intelligence of the enemy at Plasentia. 60 *names. Total subscribed*, 9*l.* 14*s.*

1703.

Endorsed as preceding. 1½ *pp.* [*C.O.* 194, 3. *Nos.* 3, 3.i.–viii ; *and* (*without enclosures*) 195, 3. *pp.* 271–275.]

Nov. 15. Whitehall. **1265.** Journal of Council of Trade and Plantations. Letter and Papers from Lt. Gov. Bennet, Aug. 19 [? 9], considered, and directions for a reply given. Letter to Mr. Burchet ordered, to ask for the due form of Commissions granted to privateers here, and which may be fit to be granted by the Governors of Plantations on like occasions. Letter ordered to desire Capt. Bennet's brother to attend.

Nov. 16. Col. William Thomas [*No.* 1270] heard. Some of the deputation added that they had seen a list of 70 ships taken and carried into Martinico since the beginning of the war till June ; that they had an account of 22 privateers cruising in those seas ; that 1,100 negroes from Guinea had lately been taken in those parts when arrived in sight of their port ; and that when Col. Thomas came away, there was not one English man of war remaining there. Letter ordered wherein to transmit a copy of the said memorial to Mr. Burchet for the information of H.R.H.

Mr. Byfeild presented a memorial from the Pennsylvania Company with proposals for importing Naval Stores from Carolina, which was read ; but whereas they desire a Charter, their Lordships acquainted him with the necessity of a clause to prevent the ill consequences wch. are apprehended from Stock Jobbing, and desired him to consider with the other Members of the Company upon means of doing it, as private undertakers, without such Charter, which he said he believed they would not agree to, but promised a further answer on Thursday.

Letter from Mr. Burchet, Nov. 13, read and directions given to look into what has been formerly done by this Board upon the like occasions.

Letter from the Board of Ordnance, Nov. 13, read. Ordered that Mr. Champante attend on Thursday.

Nov. 17. Letter from Lord Nottingham, Nov. 16, read. Enquiry was made of Col. Thomas concerning the Guardaloupe affair, who being [? *un*]able to give any information, but directing to Major Jones, an officer belonging to Col. Whettam's Regiment, lately arrived from thence, who was in the expedition, a letter was writ desiring him to lay before the Board an acct. thereof in writing to-morrow.

Letter to Mr. Burchet approved and sent.

Letter from Mr. Dummer, Nov. 17, read.

Letter from Gov. Sir B. Granville, Sept. 3, read. [*C.O.* 391, 16. *pp.* 268–275 ; *and* 391, 97. *pp.* 695–704.]

Nov. 15. **1266.** Minutes of Council in Assembly of the Massachusetts Bay. H.E. communicated Gov. Winthrop's letter, in answer to his for assistance.

Bill about Pounds passed.

Message sent down to enquire what the Representatives had done upon consideration of H.M. commands. Reply, that the weather had prevented many of their Members coming, and they

1703.

had not a full House at present, but were preparing their answer to H.M. two letters.

Message sent to the House forthwith to lay a copy of their Address, sent to H.M. concerning Pemaquid, before the Board.

Nov. 16. Report of the Justices of the Superior Court upon appeals from nonsuits *etc.* sent down.

Upon application, the House returned H.M. two letters.

Petition of Elizabeth Shrimpton, with the order of the Representatives that it be referred to the next session, read, and, the question put for concurrance, it was carryed in the negative.

Bill about Pounds read and passed.

Petition of several towns of Hampshire for some allowance on accompt of their charges in garrisoning, read and sent down.

Allowance to Joseph Beane agreed to.

Order sent up, that the Committee appointed in June to prepare a bill for encouraging Schools be revived, agreed to.

Message sent up from the Representatives, praying the copies of H.E.'s letters, sent to Whitehall referring to this Province, may be laid before them, wch. H.E. was pleased at the Session of this Court in Cambridge to say he would favour them with.

Resolve of the Representatives for further encouragement to the forces *etc.* agreed to with an amendment.

John Usher made his motion to the Board with reference to his accompts as formerly Treasurer of New England, and his claim of money due to him upon the ballance, upon which H.E. sent down for the report of the last Committee upon said accounts, which was sent up, read and returned.

H.E. appointed a General Council to meet on Nov. 23.

Verbal message sent up, in reply to the request for the Address last night, that the Journal of the House is open and H.E. and Council may appoint a Committee to inspect it. H.E. replied that a written message was sent from the Board and a written answer was expected.

Resolve sent up, fixing the wages of officers and soldiers employed during the war. It was returned with the observation that there was no provision made for any Field Officer above the degree of a Major, and his pay as such only to continue while out after the enemy. The resolve was sent up again, with a message that the House insisted thereon.

Message in writing sent up, in answer to H.E. Speech. (1) *As to perpetual salaries:* It hath been the privilege from Henry III and confirmed by Edward I and in all reigns unto this day granted, and now is allowed to be the just and unquestionable right of ye subject to raise when and dispose of how they see cause any sums of money by consent of Parliament, the wch. priviledge we H.M. loyall and dutiful subjects have lived in ye enjoyment of, and do hope always to enjoy ye same under our most Gracious Queen Anne and Successors, and shall ever endeavour to discharge the duty incumbent on us, but humbly conceive ye stating of perpetual salaries not agreable with H.M. interest in this Province, but prejudicial to H.M. good subjects. (2) For the building a Fort

1703.

at Pemaquid, we humbly conceive H.M. hath received misrepresentations concerning that affair, at least our apprehensions of it do not concurr wth. what hath been represented to H.M., wherefore this House sent home their humble Address and Memorial, March 27, 1703, to lay before H.M. why we did not comply with her directions; (1) the little advantage it was formerly to us altho not less then 20,000*l*. expended. (2) The scituation being out of the ordinary way of the Indians, and more than 100 miles distance from any English Plantation. (3) For the now building and maintaining it the great charge will be such that this countrey cannot possibly subsist under, in regard of the several large sums laid out in the raysing new fortifications on Castle Island *etc.* The fresh unaccomptable charge created by the present war with the Indians, we humbly conceive is argument enough, were there no other, for our not building the same.

Nov. 17. Message sent down to enforce the message sent two days since for a copy of the Address to H.M. H.E. afterwards directed the Secretary and John Foster to carry the same message, and withal to intimate to the House the usage of the two Houses of Parliament, vizt. that when the House of Lords desire to inspect ye Commons' Journal, the Clerk of that House attends their Lordships wth. the bookes, but when ye Commons desire to inspect the Lords' Journal, they do it by a Committee. And that he onely expects either a copy, or their Clerk to attend and read the same out of their bookes.

Message sent up, that the Journal of this House is open to the view of such as the honble. Board shall send to inspect the same, which we apprehend is as much as is customary to be demanded by one House of Parliament by another.

Resolve sent up and agreed to, that 60*l*. be paid to Mr. Samuel Willard, Vice-President of Harvard Colledge, for his service the year past.

H.E. sent a message to the Representatives, that he is in Council, and directs that Mr. Speaker and the House do forthwith attend him with the Journal of their House. Some of the Representatives attended H.E. to acquaint him that it being full noon, and many of their Members out upon Committees, Mr. Speaker and the House prayed their attendance might be excused till after dinner, wch. he granted.

Mr. Speaker and the House attending, H.E. intimated the occasion of sending for them, viz. the message sent them in the forenoon, referring to their Address to H.M. Mr. Speaker answered their Journal lay upon the table in their own House, open to the view of any Committee to be appointed by the Board, but the House did not understand it to be ye practice in Parliament, nor had it been the usage in this country to bring up their Journal; and retired.

Message sent down to inquire whether the House had had any further consideration of that matter since their attendance, who returned answer from the House that they were upon consideration thereof.

Petition of Thomas Hapgood of Marlboro' with the resolve of the Representatives thereon, that he be allowed 5*l*. for his wound in the publick service, read and agreed to.

Message sent up that if H.E. and Council please to appoint a Committee, the Clerk of their House should attend them to draw a copy from their Journal of their Address to H.M. [*C.O.* 5, 789. *pp*. 884–889.]

Nov. 15. **1267.** Journal of Assembly of New Jersey. Records of the former Laws of East and West Jersey laid before the House.

Nov. 16. Application made to H.E. to enquire into the qualification of Rich. Hartshorn to sit in this House.

Committee appointed to prepare a Bill to reconcile the differences of the Province, reporting that they cannot find any instances that require an Act of Indemnity to be so suddenly past, Resolved, that further consideration of the matter be referred till next Session.

Committee of Council attended to swear witnesses.

Ordered that Mr. Hartshorn and John Reid and Tho. Gordon, who complained that he was not duly qualified, attend the Governor and Council.

Ordered that Candles be brought in. Mr. Gordon's answer (Nov. 12) was heard.

Nov. 17. Upon examination of Mr. Hartshorn, the Governor desired him to qualify himself as the Law requires. Ordered that he withdraw from the House until he do so.

Witnesses to Mr. Gordon's reply (Nov. 16) examined. [*C.O.* 5, 1019. *pp*. 477–480.]

Nov. 16.
St. James's. **1268.** Lords Proprietors of Carolina to the Council of Trade and Plantations. Having received an Address from Carolina wee have thought fitt to lay a copy of it before your Lordships, wherein your Lordships may perceive the due care we have taken for the welfare of the said Colony, nor have we omitted anything on our part for the protection thereof. But the same being become a frontier by reason of the warr with Spaine, is subject to the sudden incursions of the enemy and to prevent the ill consequence of so dangerous a situation, we think fit to acquaint your Lordships, that we have several watches settled along the sea coast to observe their motions, as also a body of men posted at Port Royal to resist them in case they come within land, whereby we are obliged to a greater charge than any profitts we receive from our Colony is able to support: therefore we hope, my Lords, to have your Lordships' concurrence and favour towards the obtaining H.M. most gracious protection and assistance in the defence of our Colony at this time of eminent danger as is desired by the inhabitants of Carolina in their Adress. *Signed*, Granville, Palatine; Craven, Granville *for* Lord Carteret, M. Ashley, J. Colleton. *Autographs. Endorsed*, Recd. Read Dec. 6, 1703. *Addressed*. 1 *p*. *Enclosed*,

1268. i. To H.E. John Granville Esq. Palatine and the rest of the true and absolute Lords and Proprietors of the

1703.

Province of Carolina—The humble Address of the Commons assembled this 15th day of April, 1703. We cannot but humbly and gratefully acknowledge your Lordships' favours and care of us in commissionating the honble. Sir Nathaniel Johnson, Knight, our Governour and Captain General, who is not only the most worthy, most honourable and most capable to administer the Civil Government of any your Lordships hath hitherto placed over us, but is the only experienced military Commander we ever had, and that such a General at this time of warr is absolutely necessary for the defence of this your Lordships' Colony. The boldest and best men do voluntarily offer to take military commissions under him which encourages the soldiers so that we have reason to expect from our generals knowledge in the art of warr and from his care and conduct a good and well disciplined and regulated Militia. Your Lordships' paternal care thus demonstrated to us in this time of warr gives us reason to beleive your Lordships have yet some value for us as well as it puts a value upon ourselves and further encourages us to address your Lordships to send us a supply of ammunition (ours being spent in the late expedition) assuring ourselves of your Lordships' compliance and not doubting there will be anything wanting that your Lordships can do or procure for us from H.M. for our necessary defence. And therefore we hope your Lordships will be pleased to intercced with H.M. that she will please to send us stores, ammunition and forces and a small frigate to cruse upon our coast for our defence, without which this your Lordships' Colony cannot be safe, for we are here a frontier to the enemy. And tho' we are immediately under your Lordships' Government, yet we are H.M. subjects, and we hope through your interest she will be graciously pleased to protect us, by which means we shall be empowered not only to defend ourselves, but shall be also able and willing again to attack and destroy St. Augustine. Thus taken care of and protected by your Lordships and by your interest with the Crown, and our forces headed and directed by such a General we doubt not but in case of an invasion (which we have too much reason to expect) we shall make a vigorous and stout opposition against the attempts of the enemy in defence of your Lordships' Colony and make a perfect conquest of the citty and castle of St. Augustine, the consequence of which will be (as well as securing your Lordships' Colony) as also adding a further and larger addition to H.M. Revenues, and the gaining of all the coast of Florida to the Crowne. *Signed*, Job Howes—Speaker. 1 *large p.* [*C.O.* 5, 1262. *Nos.* 53, 53.i.; *and* 5, 1290, *pp.* 394–398.]

1703.

[Nov. 16.] **1269.** Pensilvania Company to the Council of Trade and Plantations. Propose, in 12 months after advice can be given to their factors in Carolina, to furnish the Govt. with 200 barrels of pitch at 18s. per b. and 400 barrels of tar at 8s. per b., and deliver the same to the Queen's Agents in Carolina, increasing the quantity yearly. There are better masts for shipping in Carolina than in New England, a sample is ordered by the next ship. The Company is ready to furnish the Govt. with beef, pork, pease and bread etc. *Propose* that the Company have a Charter the better to enable them to carry on their undertaking. *Signed*, Thomas Byfeld for self and Company. *Endorsed*, Recd. Read Nov. 16, 1703. 1¼ *pp.* [*C.O.* 5, 863. *No.* 59; *and* 5, 911. *pp.* 151–153; *and* (*memorandum only*, ¼ *p.*) 5, 1262. *No.* 55.]

Nov. 16. **1270.** Lieut. Coll. Thomas to the Council of Trade and Plantations. Commissioner appointed by Gov. Codrington and the Council of Antigua sheweth, that these Islands more than any other of H.M. Plantations lye open and exposed to the attempts of their enemies by reason of the nearness of the French at Guardaloupe and Martinico and other their settlements, but especially Antigua, upon the account of its many inletts and creeks, and of its being the windwardmost of H.M. Leeward Caribbee Islands, by which means their enemies obtain an easier landing and a securer retreat. The French Privateers are now more numerous in these parts than they were during the last war when they were princepally ingaged against the Spaniards, and their number is further augmented by those whose Plantations and Estates at Guardaloupe were ruined and who thereupon turned Privateers; so that there are no less than 22 of them abroad at present in the neighbourhood of these Islands, one or other of which is almost dayly annoyed by them, and (besides many other ships that are taken) sustain the loss of almost all the provision ships which are obliged to pass through such stations as the enemies cruize in. These Islands, particularly Antigua, (in which there are no less than 11,000 negroes) cannot possibly exist without the importation of very large quantities of provisions, which they generally receive from Ireland and the English Colonies on the northward Continent of America. Antigua in particular is extremely weak in its inhabitants, the number of whom is considerably lessened, and those few are so greatly fatigued by guarding, by frequent allarms and marches for the necessary defence of the coast, that they apprehend themselves in danger of losing all their settlers of the poorer sort, who cant support themselves and their families under the frequent and expensive attendances abroad to which the weakness and nakedness of the Island obliges them. The great number of ships and vessells already taken by those Privateers has not only deeply wounded the inhabitants in their fortunes and impoverished them, but has proved so great a discouragement to Traders in general that the inhabitants will be destitute of all manner of supplies for their support next year, unless some effectual relief and present assistance be very speedily provided

1703.

for securing the coast and clearing the station by which the trading vessells to these Islands are obliged to pass. And this is the more to be feared inasmuch as they are credibly informed that M. Robart, Intendant of Martinico, has some time since been sent home by the French General to press the Ministry of France for a squadron to attack these Islands. Any successfull attempt upon these Islands (besides the loss of the lives of so many dutifull subjects) would be of the last consequence to England, not only upon the account of the want of its customes and other advantages received by the Trade of these Islands, but that thereby the French would become masters of so great a number of negroes as would enable them both to advance their Settlements in Martinico and Guardaloupe and other their adjacent Islands, and to make such considerable improvement in the French part of Hispaniola as would render it a very important and formidable Settlement. It is humbly pray'd, as of absolute necessity (considering the small number of the inhabitants at present upon these Islands and the danger of their still lessening) that one Regiment of Foot more be sent thither for their security during the continuance of the present warr; that a competent number of ships may be ordered for guarding the coast, and securing their provision ships and other trading vessells. And they crave leave humbly to remind your Lordships that this Government, consisting of several Islands lying at a distance one from the other, about each of which French Privateers are continually hovering, requires more ships to attend it than any other single Island, tho' of much larger extent. They doe, with humble submission, offer it, that one fourth rate and three other smaller Frigates, from 20 to 30 guns each, are the least Naval Force that can effectually secure the coast and trade of these Islands, and that the nimblest and best sailers are the only proper vessells for this service; for that any other will be of little use against ships built on purpose for sailing. *Signed*, Wm. Thomas. *Endorsed*. Recd. Read, Nov. 16, 1703. 2 *pp*. [*C.O.* 152, 5. *No.* 39; *and* 153, 8. *pp.* 215–219.]

Nov. 16. Whitehall. **1271.** Earl of Nottingham to the Council of Trade and Plantations. The Queen would have you send me what letters you have received from Colonel Codrington or from any other person giving an account of the expedition to Guardaloupe, and of the reason of the ill success in that attempt, on Thursday next at noon. *Signed*, Nottingham. *Endorsed*, Recd. Read Nov. 16, 1703. 1 *p*. [*C.O.* 152, 5. *No.* 38; *and* 153, 8. *p.* 220.]

Nov. 16. **1272.** Minutes of Council of Barbados. H.E. gave his consent to the Excise Bill, and then adjourned till Tuesday, there being only 4 members present. [*C.O.* 31, 8. *pp.* 149, 150.]

Nov. 16. **1273.** Journal of Assembly of Barbados. The House met by virtue of a special summons from H.E. Committee appointed to consider of a method to ease the duty of guards, and to bring in a Bill to-morrow.

Committee appointed to prepare a Bill for the encouragement of a Regiment to be addressed for unto H.M. and for their subsistence when arrived.

Several petitions referred to a Committee. Addresses agreed to.

Nov. 17. Bill to ease the duty of guards, intituled for the better security of the bays, towns and sea-coasts, read the first and second times. [*C.O.* 31, 7. *pp.* 139–142.]

Nov. 16. **1274.** Minutes of Council of the Massachusetts Bay. The General Assembly being then sitting, H.E. intimated a General Council on Nov. 23 for nomination of Commissioners for the trial of an Indian, now in prison at Salem, for murder. [*C.O.* 5, 789. *p.* 546.]

Nov. 17. **1275.** Sir Gilbert Heathcote to [*? the Earl of Nottingham*]. As to what your Lordship was pleased to take notice of, as if ye sending out of these five ships with one man of war for Jamaica, just before the Grand fleete was to saile for ye West Indies, seemed to looke as if it was some perticuler favour to mee, in prejudice to the rest of ye Traders, I do assure your Lordship that these five ships were not fraighted by myselfe or in company with other men, but were general ships (as we call them), yt. is ships which took in any person's goods who sent them on board for yt. place. *Encloses* list of 256 merchants and planters who shipped goods on board them. They were goods ordered per the packquett boat which brought the news of the fire at Port Royall Jan. 9 last; the ships and goods have laid in the river ever since June. If we could hope that the Grand Flete for the West Indies would be ready to sail in a short time, we should be content to stay and goe along with them. *Signed,* Gilbert Heathcote. *Endorsed,* R. Nov. 18, 1703. 2 *pp. Enclosed,*

1275. i. List of shippers referred to in preceding. 3 *pp.* [*C.O.* 137, 45. *Nos.* 55, 55.i.]

Nov. 17. Coleman Street. **1276.** Mr. Dummer to Mr. Popple. The *Prince* Sloop who sailed Aug. 2 last arrived in Mounts Bay 13th inst., her course has been as follows:—

Sailed from Falmouth Aug. 2. Arrived, Barbados Sept. 1.
Sailed from Barbadoes Sept. 3. Arrived, Antegoa Sept. 10.
Sailed from Antegoa Sept. 11. Arrived, Mountserrat Sept. 11.
Sailed from Mountserat Sept. 13. Arrived, Nevis Sept. 14.
Sailed from Nevis Sept. 15. Arrived, St. Xtophers Sept. 15.
Sailed from St. Christophers Sept. 16. Arrived, Jamaica Sept. 25.
Sailed from Jamaica October 1. Arrived, Mounts Bay Nov. 13.

I shall humbly take leave to observe from the whole experience containing seven voyages in the table following for their Lordships' satisfaction that what I propounded to do is done to a scruple, barring the accident of ill conduct, for those of the seas seem not to be much by the little difference which arises in the time spent by each boat respectively, as therein appears vizt.

1703.

The voyages of the Sloops between England and the six Islands in the West Indies ;—

Sloop's name.	*Whence and when sailed.*	*Whence and when returned.*	*Days spent.*
Bridgman ..	Sailed from the Needles 21 Oct., 1702	Returned to Falmouth 2 Feb. following.	105
Mansbridge ..	Sailed from Plymouth 8 Dec., 1702.	Returned to Plymouth 10 Mar. following.	92
King William	Sailed from Falmouth 30 Jan., 1702 (3).	Returned to Falmouth 16 May following.	107
Bridgman ..	Sailed from Falmouth 4 April, 1703.	Taken 35 leagues West of Scilly 27 July following.,	114
Mansbridge ..	Sailed from Falmouth 9 May, 1703.	Returned to Falmouth 17 Aug. following.	100
King William	Sailed from Falmouth 30 June, 1703.	Returned to Mounts Bay 8 Oct. following.	100
Prince ..	Sailed from Falmouth 2 Aug., 1703.	Returned to Mounts Bay 13 Nov. following.	103

I shall not enlarge upon the benefitts of such an assured correspondence, it answers for itself, and time with proper applications will produce much greater effects. *Signed*, E. Dummer. *Endorsed*, Recd. Read Nov. 17, 1703. *Addressed. Sealed.* 1 *p.* [*C.O.* 324, 8. *pp.* 280, 281 ; *and* 323, 5. *No.* 24.]

Nov. 17. **1277.** E. Dummer to the Earl of Nottingham. *Similar letter. Signed*, E. Dummer. *Endorsed*, R. Nov. 17, 1703. *Addressed. Sealed.* 1 *p.* [*C.O.* 318, 3. *No.* 20.]

Nov. 17. Whitehall. **1278.** W. Popple to Josiah Burchet. The Council of Trade and Plantations having been attended by several merchants and Planters concerned in the Leeward Islands and more particularly by Coll. William Thomas (*see Nov.* 16), authorized by Col. Codrington, in pursuance of an Act of Antegoa, to set forth the weak and hazardous circumstances of those Islands in this dangerous time of war, and their Lordships finding this service so pressing that they conceive themselves obliged to lay the matter before H.M. in Councill, in the meantime send you the inclosed copy of the memorial of the said Thomas, to be laid before the Prince's Council for H.R.H. information. [*C.O.* 153, 8. *pp.* 220, 221.]

Nov. 18. St. James's. **1279.** Order of Queen in Council. Upon reading a Memorial from H.R.H. the Lord High Admiral Nov. 9, vizt.—that complaints are frequently transmitted to the Receiver of the rights of the Admiralty from his Deputy in H.M. Plantations that notwithstanding there are regular Courts of Admiralty established for trying prizes there, yet the Governors do not only pretend to an authority, but actually doe dispose of the prizes without giving any accompt of their produce, *and proposing* that H.M. strictly enjoin them not only to permit prizes to be legally tried and condemned by the Courts of Admiralty settled there, but that they do take an especial care, as they will answer the contrary,

1703.

there be not anything whatever belonging to the prizes embezzled *etc.*—.

Ordered, that it is hereby referred to the Lords Commissioners for Trade to examine the matter of Prizes in the Plantations and Lord High Admirall's dues in particular, and to report to this Board how the same stands at present in reference to the Laws and Practice of the several Plantations and the Instructions to the respective Governors. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 23, 1703. 1½ *pp.* [*C.O.* 323, 5. *No.* 25; *and* 324, 8. *pp.* 285–287.]

Nov. 18. **1280.** J. Champante to the Council of Trade and Plantations. Prays on behalf of Col. Romer that he may not be sent to Barbados before he has had the opportunity of recovering his health here, which has suffered through his dangerous journeys in fortifying the Frontier Provinces. *etc.* *Signed*, J. Champante. *Endorsed*, Recd. Read Nov. 18, 1703. 2 *pp.* [*C.O.* 5, 863. *No.* 60.]

Nov. 18. Whitehall. **1281.** Council of Trade and Plantations to the Earl of Nottingham. In answer to letter of the 16th, we send the copy of a letter from Coll. Codrington of Aug. 8, which is the only one we have received relating to that expedition. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 221, 222.]

Nov. 18. St. James's. **1282.** Order of Queen in Councill. Upon reading the Petition of Edward Jones, Secretary and Provost Marshall Generall of the Bermuda Islands, setting forth that the Governour hath suspended him from both offices upon several Articles maliciously procured and presented to the Governour and Councill there; and humbly praying that the said Places may be restored to him with the rents and profits of the same since his said suspension, Ordered that it be referrd to the Council of Trade and Plantations to examine the matter of the said Petition and Articles, copies whereof are hereunto annex'd, as also the proceedings of the said Lieutenant Governour in this behalf, and to report to this Board what H.M. may fitly doe thereupon. *Signed*, John Povey. *Endorsed*, Recd. Nov. 23, 1703, Read Jan. 14, 170¾. 1 *p.* *Enclosed*,

1282. i. Copy of petition of E. Jones referred to in preceding. 1 *p.*

1282. ii. Copy of Articles against Jones referred to in preceding. 4½ *pp.* [*Duplicate of* Cal. A. & W. I. 1701. *No.* 797.ii.] [*C.O.* 37, 6. *Nos.* 3. 3.i.ii.; *and* 38, 5. *pp.* 456–465.]

Nov. 18. Whitehall. **1283.** Journal of Council of Trade and Plantations. Major Jones (*see* Nov. 17) declared that he had been long sick [at *Guardaloupe*], and was not called to the Council of War, nor had he kept any diary thereof: so that he was not able to give any such particular account as was expected from him. Letter writ to Lord Nottingham.

1703.

Letter from Mr. Burchet, Nov. 17, signifying that the form of Commissions to Privateers may be had in Doctors Commons, read, and a form accordingly sent for.

Memorial from Mr. Champante in behalf of Col. Romer read. Directions given for a letter to the Board of Ordnance.

Mr. John Bennet attending [*see* Nov. 15] and being asked about the dates of Commissions granted by his brother to privateers, he promised to look into the copies that have been sent him and inform their Lordships. Ordered that in the next letter to Capt. Bennet he be directed to send an account of the ships so commissioned by him *etc.*

Nov. 19. Upon further consideration of Mr. Burchet's letter of Nov. 13, ordered that notice be given to the merchants trading to Newfoundland, New England, Pennsylvania, Maryland and Virginia, and to the Agents of Barbadoes, the Leeward Islands and Jamaica, to attend.

The Pennsylvania Company presented a copy of their private agreement and constitution by wch. they act, which was read; but being asked whether they would not undertake to import some quantitys of pitch and tarr for H.M. service in the same manner, they declared that they were not willing to ingage themselves as private merchants so deeply as an undertaking of that nature would require, unless they might be incorporated by a Charter, etc.

Letter to the Ordnance Office signed.

Letters from Lt.-Gov. Handasyde, Oct. 5 and 6, read, and enclosures laid before the Board.

Letter from Gov. Lord Cornbury, Aug. 5, read. [*C.O.* 391, 16. *pp.* 276–282; *and* 391, 97. *pp.* 707–713.]

Nov. 18. **1284.** Minutes of Council in Assembly of the Massachusetts Bay. Committee appointed to inspect the Journal of the Representatives received a copy of the Address (*see* Nov. 17 etc.) attested by the Clerk and examined in their presence. It being observed that it had relation to a Memorial accompanying of it, a message was sent down to desire a copy of the said memorial. The House replied that they would prepare a copy.

Message sent from the Representatives to desire their Act for ye establishment of officers' and souldiers' wages, that ye House might have further consideration thereof. They returned it with an amendment, raceing out the word [*Major*].

Message sent down to move the House to consider of a suitable allowance to H.E. the Governor etc.

Petition of Elisha Hutchinson read and referred.

Nov. 19. H.E. not being able to come forth, was attended by the Secretary, by whom he sent a message to the Council, that he would have the Court to bring forward the things lying before them, as to a supply of ye Treasury, and directing the method for payment of soldiers.

Message sent down for copy of the memorial of the Representatives, which the messengers brought up with them.

1703.

Message sent to H E. for his direction for the Courts proceedure, and H.E. intimated the bringing forward the necessary orders for the supply of the Treasury and the methods for payment of souldiers. Message sent to the Representatives accordingly.

Bill directing how Debentures shall be granted for souldiers' and seamen's pay was drawn up, read and debated.

Bill relating to Appeals from judgements in Bar or abatement sent up, was read a first, second and third time and debated.

Nov. 20. 50*l.* paid to Lt.-Col. March.

16*l.* paid to John White, Clerk of the Representatives.

Bill relating to Appeals rejected, and heads of a new Bill were proposed. [*C.O.* 5, 789. *pp.* 889-891.]

Nov. 18. **1285.** Journal of Assembly of New Jersey. Evidence for the regularity of Mr. Gordon's return for the election for the Eastern Division was voted sufficient, and the petition of Capt. John Bown *etc.* dismissed. The House refused to allow Mr. Gordon charges against them, or to take cognizance of the Clerks who took ye Poll at ye Election at Amboy and refused to deliver them to ye Sherrif.

The House resolved itself into a Committee to consider of the enforcing the payment of the deficiency of former taxes in the Western division of Nova Cesaria.

Nov. 19. The Committee reported that a Bill ought to be drawn up to enforce payment according to the quotas of those assessments in the several laws by which said taxes were raised. Referred till next Sessions, if time cannot now be allowed for considering above report.

Nov. 20. Bill to regulate elections of Assemblymen ordered to be brought in.

Resolved, that every member who shall be capable to be elected to sit in General Assembly shall be vested of 1,000 acres of land in his own right, or otherwise be worth 500*l.*, and an inhabitant in the Province. And every person who shall have a right to elect shall be vested of 100 acres of land, or otherwise be worth 50*l.*, the said lands or estate to be within the Province. [*C.O.* 5, 1019. *pp.* 480, 481.]

[Nov. 19.] **1286.** Copy of the Constitution of the Pennsylvania Company, April 1st, 1695. *Endorsed*, Recd. Read Nov. 19, 1703. 6½ *pp.* [*C.O.* 5, 1262. *No.* 54.]

Nov. 19. Whitehall. **1287.** Council of Trade and Plantations to the Principall Officers of the Ordnance. In answer to yours of the 13th we conceive H.M. service does require that an able Engineer be continued in New England and New Yorke, for building and finishing the fortifications necessary in both those Provinces, and more especially by reason of the late invasion of the Pennycook and other Indians who have already committed great mischeifs. But whereas we have been informed of letters from Col. Romer and by his correspondence here, that he labours under a distemper not curable in those parts for want of experienced surgeons, and therefore desires that he may be permitted to return to England, we offer to you our opinion that he may have leave to returne accordingly upon sending another fit person to succeed him. As to an Engineer requisite in Barbados, we send you here inclosed the extract of a letter lately received from the Governor, Sir Beville Granville, concerning Captain Hayes. *Signed*. Weymouth, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *pp.* 347, 348.]

Nov. 20. Bristol. **1288.** [? *Sir B. Gracedieu to ? William Popple.*]—There are come in two ships who have lost most of their men by the sickness at Kingston, and these that are alive remain still halfe dead. But this day by the pacquett boat came the originall of wch. the enclosed is a true copy, soe that contest is over, and the Assembly are forced to repeal their own Act. ½ *p., the remainder torn off. Enclosed*.

1288. i. Simon Mason and Co. to Geo. Mason and Co. Port Royal, Oct. 7, 1703. Kingston is so fatal that it's impossible to make any considerable settlement there, where nothing abounds but the destruction of the people; the major part are long since dead, and the residue following. Those that are able endeavour to get to some part or other to retrieve their healths; there is litle or anything in demand; we have a great deal of goods by us, which God knows when we shall sell. . . . The Assembly are endeavouring to repass an Act to give Port Royal its former priviledges, without which the country is ruined. We are under apprehensions of the French and Spaniards making a descent on the Island, which if they doe, will be very fatal, for there are no people to oppose them. *Endorsed*, Recd. Read Nov. 23, 1703. *Copy.* ¾ *p.* [*C.O.* 137, 6. *Nos.* 19, 19.i.]

Nov. 22. **1289.** John Bridger's Answer to the observations of the Navy Board upon his accounts. Aug. 14 and Nov. 22 [*see* Dec. 9, 1703]. *Signed*, J. Bridger. 6½ *pp.* [*C.O.* 5, 863. *No.* 61.]

Nov. 22. Whitehall. **1290.** Order of the House of Lords to the Council of Trade and Plantations, to lay before this House an acct. of the state of Trade, since last Session. *Signed*, Math. Johnson. Cl. Parl. [*C.O.* 412, 549. *p.* 57; *and* 389, 18. *p.* 48.]

Nov. 22. Prize Office. **1291.** Commissioners of Prizes to the Lord High Treasurer. Offering the case of the *Neptune* [*see* Nov. 26], now arrived in the Port of London, to his Lordship's consideration. *Signed*, Edw. Brereton, R. Yard, Ant. Duncomb, Alex. Pendarvis, John Anstis, Wm. Gosselin. *Subscribed*, Mr. Blathwayt to examine this matter and report how it may be remedied. *Endorsed*, Recd. Read Dec. 2, 1703. 1 *p.*

1291. i. Case of the *Neptune*, with the opinion of J. Cooke and Wm. Oldys that the Commissioners of Prizes should put an officer on board her, and that a monition be forthwith taken out of the Admiralty Court against her. D.D. Commons, Nov. 19, 1703. 2½ *pp.* [*C.O.* 323, 5. *Nos.* 26, 26.i.]

[Nov. 22.] **1292.** Memorandum of Memorial from the Pennsylvania Company relating to Convoys. (Withdrawn Dec. 7 and another brought Dec. 10, *q.v.*) ½ *p.* [*C.O.* 5, 1262. *No.* 57; *and* 5, 1048. *No.* 69.]

[Nov. 22.] **1293.** Merchants trading to Virginia and Maryland to the Council of Trade and Plantations. They having set out a large fleet this year, which together with those in the country and Western Ports will make up the valuablest and largest fleet that hath at any time been in those Plantations, and have only the *Dreadnought* and a small fifth-rate frigot for their convoy, which gives us much concernment. We had two others for Guinia aided the Fleet outwards for 200 leagues. And whereas there was usually one or more men of war that lay as Gard ships in the country to prevent any surprisal, as not long since happened by a pirate, the country is now left wholly naked by the recalling the *Southampton.* We therefore humbly represent to your Lordships the necessity of three men of war to be sent as soon as may be to Virginia to be there in March at furthest in order to convoy the fleet thence in safety home, it being what we had formerly allowed us for a fleet of lesser consequence, and that a man of war might be ordered as a gardship to the country as formerly, and that some crewsers may be sent out to meet our Fleet howerly expected home. *Pray that* such additional convoys may be dispatched in time, and that advices may be given to Virginia by the Admiralty concerning them, yt. ye fleet yt. depend on them may accordingly be dispatched without delay. *Signed,* Micajah Perry *and 22 other signatures. Endorsed,* Recd. Read Nov. 22, 1703. 1 *p.* [*C.O.* 5, 1313. *No.* 34; *and* 5, 1360. *pp.* 436, 437.]

Nov. 22. Whitehall. **1294.** Wm. Popple to Josiah Burchet. In answer to your letter of 13th, the Council of Trade and Plantations are discoursing with the several merchants trading to H.M. Plantations concerning convoys. *Refers to preceding request* and presses for some cruizers to meet the 50 sail, daily expected, in the Soundings *etc.* [*C.O.* 324, 8. *pp.* 381, 382.]

Nov. 22. Whitehall. **1295.** Journal of Council of Trade and Plantations. Order of the House of Lords (Nov. 22) read. Directions given for preparing a report accordingly.

Virginia and Maryland traders laid memorials about convoys before the Board. New England and New York traders expressed their requirements and promised to put them in writing.

Mr. Byfield laid the memorial of the Pennsylvania Company before the Board. Letter to Mr. Burchet ordered.

1703.
Nov. 23. Agents and traders of Barbados and Leeward Islands offered their thoughts relating to convoys, but not having concerted ye same, they promised to advise together and lay before their Lordships their opinions in writing.

Mr. Borret ordered to attend.

Representation upon foreign coins signed, and what was formerly under consideration upon the same subject, cancelled.

Letter from Jamaica, relating to Kingston, read. Letter to Mr. Burchet ordered, to pray an answer from the Prince's Council upon the Kingston Act, their Lordships being prest to make a report thereupon to H.M. and to the House of Lords.

Ordered that the Secretary signify to Vice-Admiral Whetstone to attend on Friday.

Order of Council, Nov. 18, about prizes read, and transmitted to the Governours of Barbadoes, the Leeward Islands and Jamaica.

Nov. 24. Mr. Borrett attending, a list was given him of the Acts in Mr. Attorney and Solicitor General's hands, upon which he was desired to attend them and procure the dispatch of their opinion.

Letter from Mr. Burchet (Nov. 23) read, and notice was immediately given thereof by letter to Mr. Perry that he may acquaint the other merchants concerned.

Letter from Mr. Burchet (Nov. 23) signifying that the Prince's Council had appointed to hear Vice-Admiral Graydon and Capt. Whetston again this morning, in order to report their opinion upon the Kingston Act, read.

Mr. Broughton desiring a copy of that article in the Lord Vaughan's Instructions for the Government of Jamaica relating to Patent Officers, ordered yt. it be given him.

Letter from Capt. Lilly read. Letter to the Board of Ordnance ordered (Nov. 25).

Upon further consideration of the Order of Council (Nov. 18) relating to prizes, letter to Mr. Burchet ordered (Nov. 25).

Letters to the Governors of Barbados, Leeward Islands and Jamaica signed.

Letter to Lt. Governor of Bermuda agreed upon.

Draught of a Commission to Privateers, and Instructions relating thereunto, laid before the Board. Copies ordered to be made, to be transmitted to the Governors of Plantations. [*C.O.* 391, 16. *pp.* 282–292; *and* 391, 97. *pp.* 715–725.]

Nov. 22. **1296.** Minutes of Council in Assembly of the Massachusetts Bay. Proclamation for a General Thanksgiving on Dec. 9, was read and advised.

New Bill relating to Appeals was read three times, passed and sent down.

Report of the Committee upon the accompts of John Usher (March) was again read and anew voted an acceptance, and sent down for concurrence.

Bill in addition to the Act relating to sureties in mean process in civil actions, sent up, was read a first time.

1703.

The engrossed bill relating to executors, passed in the House of Representatives, was read and concurr'd to be enacted.

Nov. 23. Bill relating to Appeals read and passed, and sent with other Bills passed at this Court to H.E. for his consent.

Bill for supply of the Treasury by emitting 10,000*l*. of the Bills of Credit, 5,000*l*. thereof in new Bills to be imprinted, and 5,000*l*. more to issue forth again out of ye Treasury and ye impost and excise, and the next tax to be granted to be a Fund for the said Bills, and appointing a new Committee for ye imprinting and signing the same, read. The Council sent down the following vote with the Bill: They are of opinion that the supply is necessary, and that an equivalent sum ought to be granted as a fund for the same, and that the former Committee be employed in the further imprinting of them, that the Bills may be all of a sort.

Written message from the Representatives read, for reducing ye garrison at ye Castle to 30 till March 15, "which they apprehend a number sufficient, and shall not allow pay or subsistance to any more."

H.E. summoned the House to attend, and observed that he had seen the resolve of the House for granting a sum to Constantine Phips, for service done and to assist him in further serving as Agent; Mr. Phips is a Gentleman he knows very well and has a respect for, but he cannot be an Agent for this Province, having had no Commission or Warrant so to be since his arrival with H.M. Commission for the Government. He is of opinion it is advisable to have two persons in England to represent this Province, that if one be absent, the other may attend; the fees would be the same and the gratifications is discretionary; that they be appointed by the General Assembly, and have H.E. warrant. As to the House's motion to desire to see the copys of his Letters, he made no such promiss, but, if they would make one step towards complying with H.M. commands referring to Pemaquid, by granting any sum of money towards that work, they should see what representation he would make thereof, and H.M. answer thereto, which might be expected by May, before one shovel of mortar were laid. As to reducing the garrison at the Castle, he is Captain General of this Province, and the rayseing or disbanding of forces, guards and garrisons lay with him, as he shall judge necessary for H.M. service, but he is and will be as provident and careful of the country's money as possible.

Message sent up that the House adhered to their Bill referring to a supply of the Treasury. The Bill was returned, with a message to move the House to a reconsideration thereof.

Bill sent up, of supplement to ye Acts referring to the Poor, read a first time.

Nov. 24. Last-named bill read a second time and concurred to be engrossed.

Petition of Andrew Belcher read and sent down. [*C.O.* 5, 789. *pp.* 891–893.]

Nov. 22. **1297.** Journal of Assembly of New Jersey. Bill to secure the Proprietors in their rights to the soil of the Province, with

1703.

the quit-rents according to the conveyances made by the Duke of York, read a first time.

The Settling of a Revenue was considered. Resolved, that a tax be raised for defraying the necessary charge of ye Governmt. and support of ye dignity thereof.

Bills ordered to be prepared for regulating elections, and for settling the allowance of Assemblymen.

Nov. 23. Bills regulating the purchasing of lands from the Indians, and ascertaining Representatives' fees, read the first time.

1,000*l*. granted to H.M., her heirs, and successors for defraying the necessary charge of this Govmt. and supporting the dignity of it.

Resolved, that 300*l*. be raised for paying the Representatives' fees and incidental charges of the House.

Bill for settling the estates of all Proprietors and purchasers of land within New Jersey read a second time and amended.

Nov. 24. Motion, that the boundarys of the counties of the Eastern Division be ascertained this Session, negatived.

Resolved, that the Bill for regulating elections be brought in this Session.

Bill for regulating the purchasing of lands from the Indians was read the second time and amended.

Bill for ascertaining the Representatives' fees read a second time and amended.

Bill for confirming estates *etc.* read a third time and sent up.

Petition of Richd. Dell, concerning the repair of the highways and bridges from Amboy Ferry to Burlington, read. [*C.O.* 5, 1019. *pp.* 482–484.]

Nov. 23. Admiralty Office. **1298.** J. Burchett to Wm. Popple. In answer to yours of yesterday, there are cruizers ordered out for protecting the homeward bound trade, not only into the Soundings, but off of Cape Clear. *Signed*, J. Burchett. *Endorsed*, Recd. Read Nov. 24, 1703. ½ *p.* [*C.O.* 323, 5. *No.* 30; *and* 324, 8. *p.* 288.]

Nov. 23. Whitehall. **1299.** Council of Trade and Plantations to the Queen. Having had under consideration the different rates at which foreign coins do pass in your Majesty's Plantations in America, with the inconveniences thereof, and more especially a complaint transmitted to us by Coll. Blakiston at the request of the Assembly of Maryland, representing that the advancing the rates of coin in the neighbouring Plantations, and especially in Pennsylvania (where they are much higher than in other places) is the occasion of drawing their coin from them; we humbly represent, that this liberty taken in any of your Majesty's Plantations, to alter the rates of their coins as often as they think fit, does encourage an indirect practice of drawing the money from one Plantation to another, to the undermining of each other's trade; which cannot be otherwise remedied than by reducing of all foreign coins to the same rate in all your Majesty's Dominions in America. And whereas peices of Eight, Sevil, Pillar, and Mexico are now currant in the Massachusets Bay at the rate of 6*s*. per peice by virtue of an Act past there, which was confirmed by his late Majesty, and therefore cannot be altered but by an Act to be passed in the same manner, we humbly offer that your Majesty would be pleased to issue your Royall Proclamation to be published throughout all the Plantations (as well under Proprietors and Charters as in those governed by your Majesty's immediate Commission) directing that from and after Sept. 29, 1704, no Sevill, Pillar, or Mexico peices of Eight, thô' of the full weight of 17½ pennyweight shall be received taken or paid in any of your Majesty's said Plantations above the rate of six shillings per peice, for the discharge of any contracts or bargains to be made after the said Sept. 29, 1704. The halves, quarters and other lesser peices of the same coin (of due weight) to be reckoned also in the same proportion; and that as for the peices of Eight of Peru, dollars, and all other foreign species of silver coin, whether of the same or baser alloy, the currency thereof after Sept. 29, 1704, stand regulated according to their weight and fineness in proportion to the foresaid rate limited for the peices of Eight of Sevil, Pillar and Mexico, so that no fforeign silver coin of any sort be permitted to exceed the same proportion upon any account whatsoever. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 324, 8. *pp.* 282–284.]

Nov. 23. **1300.** Minutes of Council of Barbados. Adjourned, there being only four members present.

Nov. 24. Tho. Merrick and Robert Johnstoun were approved as Securities for C. Thomas, Treasurer, who, with Robert Stillingfleet, Comptroller of the Excise, took the oaths appointed.

Return ordered to be made of persons neglecting or refusing to take the oaths in accordance with H.E.'s recent warrants. [*C.O.* 31, 8. *pp.* 150–152.]

Nov. 23. **1301.** Journal of Assembly of Barbados. The members present being but 14 adjourned till to-morrow.

Nov. 24. The members present being but 13, adjourned till Jan. 4. [*C.O.* 31, 7. *pp.* 142, 143.]

Nov. 23. Boston. **1302.** Minutes of Council of the Massachusetts Bay. Commissioners appointed for a trial at Salem (*see Nov.* 16).

Ordered that the Treasurer deliver the public stock of salt-peter to Andrew Belcher and Samuel Legg, and that they agree with Walter Everden, powder-maker, to repair the decayed powder, and make so much new as the peter will afford. [*C.O.* 5, 789. *p.* 546.]

[Nov. 24.] **1303.** Draught of a Commission granted here to Privateers, and of Instructions relating thereto. *Endorsed*, Procured from Doctors Commons, Nov. 24, 1703. 12½ *pp.* [*C.O.* 323, 5. *No.* 29.]

Nov. 24. **1304.** Council of Trade and Plantations to Governor Codrington. We have no letter from you since ours of Oct. 28.

The Packet boat by which you promised us a full account of all the affairs of your Government being arrived, as likewise Col. Thomas, with the Act of Assembly and your Deputation, impowering him to set forth the state of the Leeward Islands, wee are surprized that wee have not received the promised account by either of these conveyances, and are the more concerned thereat for that we have been commanded to lay the affair of Guardaloupe before H.M. As wee told you in our last that we had already represented how much the Leeward Islands are infested by French privateers to the end that ships may be appointed for their protection, we are now doing it more fully, and shall in due time acquaint you with the success. Wee send you here inclosed the copy of an Order of Councill relating to shares of prizes taken in the Plantations. To which that we may be able to give a satisfactory answer wee desire you to send us an account of the number lading and value of the prizes that have been brought into your Government, what methods have been observed in the tryall and distribution of such prizes, and what care has already or may further be taken for securing to H.M. and H.R.H. their respective parts and shares thereof. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 153, 8. *pp.* 223–225.]

Nov. 24. Whitehall. **1305.** Council of Trade and Plantations to Governor Sir B. Granville. Since ours of Oct. 28, we have received letters from you dated Aug. 8 and Sep. 3. Upon the receipt of the first of them relating to the pay of the gunners and your ingagement to Mr. Cox, we immediately transmitted a copy thereof to the Treasury for the Lord Treasurer's effectual directions therein. We have also transmitted an extract of that part of your second letter, which relates to Captain Hayes, to the Board of Ordnance from whom you will receive directions therein. What you have done in relation to flags of truce, and your watchfulness to prevent the inconveniences which may arise thereby, and by illegal trade with St. Thomas, gives us great satisfaction: and we doubt not of your continuance to exert your endeavours in those and all other matters for H.M. service. What you write of the many losses by French Privateers that have happen'd in the neighborhood of the Leeward Islands, is confirmed to us from other hands, and more particularly by an Agent sent from thence on purpose. We have already represented something of that matter to H.M., and are now doing it more fully in such a manner as we hope may be effectual for their relief. We are still in expectation of the particular Report which you promise us, relating to the fortifications, stores of warr, Militia etc, which since the sickness is abated, we hope you will speedily finish. We send you here inclosed the copy of an Order of Councill relating to H.M., the Lord High Admiral's, and the captors' share of prizes, to which that we may be inabled to give a satisfactory answer, we desire you to send us an account of the number, lading and value of the prizes that have been brought into your Government, what

1703.

methods have been observed in the tryall and distribution of such prizes, and what care has already or may further be taken for securing to H.M. and to H.R.H. their respective parts and shares thereof. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 29, 8. *pp.* 349-351.]

Nov. 24. Whitehall. **1306.** Council of Trade and Plantations to Lt.-Gov. Handasyd. Since our letter of Oct. 28, whereof you have a duplicate here inclosed, we have received yours of Oct. 5th and 6th. It is with great concern the (*that*) we find the heats in the Assembly continue so high as you represent them; and are more particularly apprehensive lest the Revenue Bill which you have given us to expect would be past for 21 years should be thereby clog'd or made not fitt to receive H.M. approbation. We desire you to use your endeavours with the Assembly that the Acts may be separate; for what we find in their minutes of Sept. 15 and 16 about inserting a clause for confirming their former Laws, gives us some suspicion of irregularity. We must therefore repeat to you that it is directly contrary to your Instructions to permit different matters to be joyned together in one and the same Bill. And you ought to have explained in your letter what you conceive to be intended by them in an affair of so great consequence. We wish your prorogueing of them as you write, for two days, may tend to bring them to a better temper when they meet next. We have received a letter from Captain Lilly, wherein he writes that he has transmitted a survey and plan of the channel and avenues between Port Royal and Kingston to the Master General of the Ordnance, in which he has performed his duty; but we expected that you should also have transmitted the same to us; the Acts relating to Port Royal and Kingston being under our consideration. This we have told you already as a standing rule in all things under your conduct, and we desire you accordingly to observe it. The Report upon those Acts has taken up a considerable part of our time; and we hope speedily to send you H.M. resolution upon them. We are laying before the Admiralty your complaint of the want of sailors in the Men of War that attended that Island. We desire you will not fail to send us the accounts you promise of the tryal and condemnation of the ships which you mention to have been taken on the Spanish coast, and to have been brought in by a Privateer; the rather because of an Order of Council, whereof we send you here inclosed a copy relating to shares of prizes, to which that we may be enabled to give a satisfactory answer, we desire you to send us an account of the number, lading, and value of the prizes, that have bin brought into your Government, what methods have been observed in the tryal and distribution of such prizes; and what care has already or may further be taken for securing to H.M. and H.R.H. their respective parts and shares thereof. *Signed*, Weymouth, Dartmouth, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. *P.S.* As to your delivering of arms to the Militia, as they desire of you, we think it very necessary

1703.

that they be armed, and hope you will be able to prevail with them to pay for them. [*C.O.* 138, 11. *pp.* 79–82.]

Nov. 25. St. James's. **1307.** Order of Queen in Council. The Lords of the whole Council are hereby appointed a Committee to meet on Nov. 29 to examine the proceedings of Vice-Admiral Graydon in his passage to the West Indies and for his pressing men there; at which time one of the Council of H.R.H. is to attend and bring with him a copy of the Orders given to Vice-Admirall Graydon, and the Council of Trade and Plantations are to transmit all papers relating to pressing at Jamaica, one or more of them being then to attend the Committee. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 29, 1703. ¾ *p.* [*C.O.* 137, 6. *No.* 20; *and* 138, 11. *p.* 88.]

Nov. 25. Whitehall. **1308.** Wm. Popple to Josiah Burchet. *Refers to Order of Nov.* 18. The Council of Trade and Plantations desire you to inform them what the extent of the Lord High Admiral's dues and share of prizes are, and how the same are to be answered, or what else may relate to the better recovery of them. [*C.O.* 324, 8. *p.* 287.]

Nov. 25. Whitehall. **1309.** Wm. Popple to the Commissioners of Prizes. *Similar enquiry* as to the extent of H.M. dues upon prizes taken in the Plantations. [*C.O.* 324, 8. *pp.* 288, 289.]

Nov. 25. Whitehall. **1310.** William Popple to Alexander Skene. Yours of Aug. 9 has been laid before the Council of Trade and Plantations, and a sample of the ruled paper you desire has been given to Mr. Holder, one of the Agents, that they may procure and send you such quantities as may be necessary. [*C.O.* 29, 8. *p.* 353.]

Nov. 25. Whitehall. **1311.** William Popple to Governor Sir Bevill Granville. Acknowledges letter of Sept. 3. and refers to enclosure for the Lt. Gov. of Bermuda. [*C.O.* 29, 8. *p.* 352.]

Nov. 25. Whitehall. **1312.** Wm. Popple to Lt. Gov. Bennet. *Refers to following, and assures him of his respects.* [*C.O.* 38, 5. *p.* 452.]

Nov. 25. Whitehall. **1313.** Council of Trade and Plantations to Lt. Gov. Bennet. Duplicates having been regularly sent you of all our letters, we have now only to acknowledge the receipt of yours of Aug. 9 last, together with your answer to Mr. Larkin's letter of Aug. 19, 1702. Upon which we at present observe to you, that tho' in the Commission you send us the date of the day and month be left blank, yet the year vizt. 1701 is expressed, and the reign, vizt. that of King William; so that such Commissions must have been given in time of peace: which we take to be contrary to your Instructions, and without example, unless in the time of your predecessor Mr. Day, whose irregularities we well hoped you would not have imitated. The next remark we are obliged to make is, that your Commissions ought not to have been given

1703.

in an undetermined sence against pirates and the Queen's enemies at large, but upon information of some especiall occasion that required them. All Commissions of War ought to express the particular enemies against whom they are designed. The clause also of visiting suspected ships, may give to Privateers an oportunity of committing great irregularities, and even of turning pirates themselves instead of pursuing others. The number of Commissions which you have given out seems ill proportioned to the smallness of the Islands under your Government, you will think yourself obliged therefore to send us an authentick list of such Commissions as you have given out, with the day and year in which, and the persons to whom, each Commission was given. We further send you here inclosed the copy of an Order of Councill relating to H.M., the Lord High Admiral's, and the captor's shares of prizes, to which that we may be enabled to give a satisfactory answer, we desire you to send us a particular account of the number, lading and value of the prizes that have been brought into your Government, what methods have been observed in the tryal and distribution of such prizes, and what care has already or may further be taken for securing to H.M. and H.R.H. their respective shares thereof. We further observe to you, that you need not spend the publick powder in salutes to Privateers, or upon any such slight occasions; that honour being to be reserved to H.M. ships of war. Your papers as they relate particularly to Mr. Larkin's behaviour to you, are under our examination and shall be judged impartially. *Signed*, Weymouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 38, 5. *pp.* 453–456.]

Nov. 25. Whitehall. **1314.** Council of Trade and Plantations to the Board of Ordnance. Having understood from Captain Lilly, the Engineer now at Jamaica, that he had sent to your office a plan of the channel and avenues, with the exact soundings between Kingston and Port Royal in Jamaica, and having now under our consideration the Acts of the Assembly of that Island, relating to the settling of the seat of trade at one of those places, we desire you to communicate the same to us for our information. And having likewise understood from the Lieutenant Governour that the smiths and other artificers which ought to take care of their arms are most of them dead or sick, and that the Militia of the Island are almost without arms fitt for service, we desire you to inform us what stores of ordnance and arms have been sent thither these 18 months last past, and what directions have been given for the disposal of them. *Signed*. Weymouth, Ph. Meadows, Jno. Pollexfen, Mat. Prior. [*C.O.* 138, 11. *pp.* 82, 83.]

Nov. 25. Whitehall. **1315.** Journal of Council of Trade and Plantations. Letter to Mr. Perry ordered, for an account of the tobacco imported, and to Mr. Sansom for an account of tobacco and sugar imported in 12 months last past.

Mr. Merret, accompanied with several other Newfoundland merchants, acquainted the Board that their Fishery in

1703.

Newfoundland this year had been but smal, not above 40 ships nor above 300 by boats imployed in that whole trade, and but 19 ships arrived at Lisbon. They promised to lay their proposals relating to convoys before the Board in writing.

Ordered that the Secretary write to the Commissioners for Prizes (Nov. 25).

Letter to the Ordnance Office (Nov. 25) signed and sent.

Letter from Mr. Roop, Oct. 10, read.

Letter to Lt. Gov. Bennet signed, and ordered to be enclosed as formerly to the Governor of Barbados.

Nov. 26. Traders with the Leeward Islands laid before the Board a Memorial relating to convoys which was read.

Vice-Admiral Whetston attending, said that Port Royal is more fit for business than Kingston, and men of war may careen there more easily, and all things be done there with greater expedition and less charge. More work may be done there in 4 hours than at Kingstone in a day, the sea-breezes making the Harbour of Kingstone very rough. It would require at least 24 hours to get up thither. Kingston is more subject to rains by reason of the nearness of the mountains that lye behind it. Port Royal indeed is not so secure at present as Kingston may be made to be. It is not difficult for 4 or 5 men of war to go into that harbour. If an enemy had it, they might easily cut it off from any communication with the rest of the Island, and deprive them both of wood and water. The Fort is not well built, the South Point especially, which may be annoyed by an enemy from among the Keys, and cannot bring any guns to bear upon them. But this may be easily remedied by rebuilding that Angle, and turning it into a half-moon, so that it may be made more secure than Kingston can. One of the Keys may be secured by a Fort, taking in the whole ground, and make a security to the whole Island. The French, if they had it, would quickly make it impregnable. If a ship were sunk in the Channell between Port Royal and Kingston, whatsoever ships were in Kingston Harbour wou'd be blocked up. At Musketo Point, there is no foundation for building upon without piles. The properest place for a fortification for the further security of Kingston would be upon the Coral Rock opposite to ye Salt Ponds. The Western Channel is not good, and he does not believe an enemy will ever attack ye country, either through that or the South Channel. Notwithstanding the Act, the people were very much inclined to settle at Port Royal, many having died at Kingston, whereupon others were come back to Port Royal, and had set up divers sheds on the sides of the old walls, which were yet standing, but had not built any regular houses, when he came from thence. [*C.O.* 391, 16. *pp.* 292–297; *and* 391, 97. *pp.* 727–733.]

Nov. 25. **1316.** Minutes of Council of Jamaica. The Governor communicated a letter from Governor Sir B. Granville giving an acct. of a fleet arrived at Martineco. The Board unanimously advised that the best way to know the motions of ye Enemy was to get a prisoner from Hispaniola. Ordered that Capt.

1703.

Coleby, a privateer who was going out, goe with all expedition to that coast, and there use his utmost endeavour to take a French prisoner and deliver him to some magistrate in this Island in order to his being sent with all speed to this town to be examined.

The Govr. communicated to the Board a letter from the Lord Nottingham, Sept. 14, 1703 (*q.v.*). The Board thereupon unanimously advised that a sloop should be hired, and that the Governor should send his order to the Comodore to cause all the Spanish prisoners in H.M. ships to be sent to Port Charles, in order to their being sent away with a Flag of Truce to demand our prisoners; and that Letters pursuant to his Lordship's directions be sent to ye Governors of St. Domingo, Carthagena, Porto Bello, and the Havana. Ordered accordingly.

Ordered that H.M. stores of Ordnance and ye storehouse att Kingston be delivered to Thos. Bell pursuant to an Order from the Board of Ordnance.

194*l*. 5*s*. 6*d*. paid to the officers and gunners of H.M. Fortifications, and 19*l*. 15*s*. 4½*d*. paid to Major Hen. Peirs for petty expences there; also 3*l*. 10*s*. 7½*d*. [*C.O.* 140, 6. *pp.* 183–188; *and* 194–198.]

Nov. 25. **1317.** Minutes of Council in Assembly of the Massachusetts Bay. Bill relating to appeals read with amendments, and voted to be anew drawn accordingly.

On the petition of Andrew Belcher, on behalf of the owners of the *John of Exon.*, lately cast away on the rocks lying of Pemberton Island and her lading lost, all but 14 pipes of wine, duties remitted as recommended by the Representatives.

Nov. 26. Bill in addition to the Act for punishing mutiny or desertion was read twice and passed to be engrossed and sent down.

Resolve of the Representatives sent up was read:—Whereas this Court at their Session in March granted 500*l*. for fortifying Castle Island, to be improved for finishing those works which are most necessary to be done for the present defence of the same, particularly the platforms and carriages to be done in the first place; and, in July, 700*l*. for discharging the debts already contracted in fortifying the said Island, and for the finishing the works, according to the computation of Col. Romer; and whereas both sums are almost expended, the platforms and carriages are not yet made, particularly the South East platform on the hill slighted and almost broken up, which seems to be of great consequence, and the platform in the south-east bastion of the old works not laid, altho' we were promised the first 500*l*. should be improved for that end, noe necessary lodgings provided for the souldiers; but instead, a new boat and a house for entertaining it are built to the expense of many pounds, being none of those things enumerated in the computation foresaid, but very unnecessary, the Castle being before sufficiently provided with boats; Resolved, that the neglect of the finishing the works aforesaid, and the application of the money to other and unnecessary uses is a grievance.

1703.

Resolve of the Representatives sent up and concurred: Considering the extraordinary impoverishing circumstances the Town of Brookfield is under by means of the present war, Resolved that 20*l*. be paid out of ye publick Treasury towards ye support of ye Ministry there for ye year currt.

Bill relating to Appeals with amendments sent down, was returned with a message that the House adhered to their engrossed Bill.

Resolve of the Representatives for more Bills of Credit, sent down with the proposal, to alter the word *levied* to *granted*, and that three of the former Committee might be continued to sign the new Bills, as also to ascertain the pay of H.E. the Governor as Commander of ye Castle.

Message sent up to inquire after the Bill for establishing of officers and souldiers pay. H.E. intimated to the Messengers, it was an imperfect establishment, but so far as it extended it should be observed as a rule.

Bill directing how Debentures shall be granted for souldiers' and seamen's pay, passed by the Representatives, was read.

Nov. 27. Supplemental Bill referring to the Poor sent up was read and concurred to be enacted.

Proposal sent up, for further encouragement to voluntiers against the Indian Rebels, without any charge to the Province, and read. [*C.O.* 5, 789. *pp.* 893–895.]

Nov. 25. **1318.** Journal of Assembly of New Jersey. Bill for regulating the purchasing of land from the Indians read a third time and sent up.

Bill. for raising the money voted, ordered to be brought in.

Nov. 26. Bill for enforcing the payment of former taxes read the first time.

Bill for ascertaining the assize of cash, weights and measures ordered to be brought in.

Nov. 27. Bill enforcing payment of taxes read a second time and committed. [*C.O.* 5, 1019. *p.* 484.]

[Nov. 26.] **1319.** Merchants trading to the Leeward Islands to the Council of Trade and Plantations. They intend to have their outward bound ships in the Downes the beginning of Feb. and do pray that convoy may be there at that time to take care of them; that the Convoy may consist of 3 ships of war, and that the seamen on board the merchant ships may be protected from any Press during the voyage; that the said ships of war doe convoy them to Antigua and the rest of the Leeward Islands, and there remain 60 days for the merchant ships to unload and load again, and at the expiration of that time doe take care to convoy home all the ships in those Islands that are ready to sayl with them. *Signed*, Rd. Cary and 7 others. *Endorsed*, Recd. Read Nov. 26, 1703. 1 *p.* [*C.O.* 152. 5. *No.* 40; *and* 153, 8. *p.* 226.]

1703.
Nov. 26.
Prize Office.

1320. Commissioners of Prizes to Mr. Popple. In reply to your letter of Nov. 25, we send you a copy of H.M. Declaration. Yet several prizes taken by H.M. ships in the West Indies have been there condemned and disposed of according to Acts made in the Assemblys and the proceed distributed by vertue of them, without any regard to the said Declaration. *Refer to case* of the *Neptune*, taken by H.M.S. *Kinsale* and carried to Barbadoes, where she was condemned and sold, and one half of the produce by order of the Court of Admiralty there paid to the Captors, and the other half ordered to be applied and distributed to such uses as by the Statutes or Acts of Parliament (" which we suppose to be Acts of the Assembly there ") provided, deducting out of the whole all duties *etc.* due to H.M. for the goods as by law due, and the charges of the Court. *Signed*, Edw. Brereton, Geo. Morley, R. Yard, Wm. Gosselin. *Endorsed*, Recd. Nov. 27, Read Dec. 2, 1703. 1¾ *pp.* *Enclosed*,

1320. i. Printed copy of H.M. Declaration relating to prizes, St. James's, June 1, 1702. 1 *large p.* [*C.O.* 323, 5. *Nos.* 28, 28.i. ; *and* (*without enclosure*) 324, 8. *pp.* 290–292.]

Nov. 26.
Admiralty Office.

1321. J. Burchett to Wm. Popple. In reply to yours of Nov. 25, the perquisites of the Lord High Admiral are given to the Queen during the war, and out of H.R.H. power to dispose thereof, the same being done by H.M. directions to my Lord High Treasurer. Mr. Dodd is Receiver and Mr. Warters Solicitor for the perquisites of the Admiralty. *Signed*, J. Burchett. *Endorsed*, Recd. Nov. 27, Read Dec. 2, 1703. 1 *p.* [*C.O.* 323, 5. *No.* 27 ; *and* 324, 8. *pp.* 289, 290.]

Nov. 26.
Admiralty Office.

1322. H.R.H. Council for the Admiralty to the Council of Trade and Plantations. In answer to your Lordships' letter of Oct. 12, we had yesterday morning with the Vice-Admiral Graydon and Capt. Whetston, as also ye merchants concerned, and are of opinion that if the merchants could and would fortify the entrance of Kingston Harbour on Musceta Point, and the shoal opposite to it, it would be the more secure Harbour from the enemy's attempts by sea, but that Port Royal is the fittest Port for expedition, and as for the healthiness of both places, we are informed by Capt. Whetston, who was a considerable time and very lately there, as allsoe by a letter from Captn. Douglas, who now commands the ships at Jamaica, that the people did and doe dureing their time dye faster at Kingston then at Port Royal. *Signed*, D. Mitchell, J. Brydges. *Endorsed*, Recd. Read Nov. 29, 1703. 2 *pp.* [*C.O.* 137, 6. *No.* 21 ; *and* 138, 11. *pp.* 84, 85.]

Nov. 26.

1323. Minutes of Council of the Massachusetts Bay. 58*l.* 2*s.* 4*d.* paid to Col. John Thacher on behalf of 36 Englishmen and 19 Indians for their service on board the *Greyhound*, Capt. Andrew Wilson, last spring ; and 10*l.* 15*s.* 2*d.* for raising, billeting and transporting some Indians within the county of Barnstable, to Plymouth, under Capt. Wm. Southworth, Sept. last, and for Barnabas Lothrop his transporting of souldiers.

1703.

43*l.* 14*s.* 6*d.* paid to Col. Daniel Peirce on behalf of 20 souldiers posted at the Blockhouses on Merrimack River in the summer.

29*l.* 15*s.* 10*d.* paid to the same on behalf of Capt. Henry Somersby and 24 troopers; and 22*l.* 3*s.* for wages due to Capt. John Wadleigh and 22 dragoons. [*C.O.* 5, 789. *pp.* 547, 548.]

[Nov. 27.] **1324.** John Baber to the Council of Trade and Plantations. Petitioner was appointed by Letters Pattents under the Great Seal of England, Aug. 12, 1702, Secretary of Jamaica. Since the Order of Sept. 25, 1691, the Secretary of that Island hath quietly enjoyed the fees of lycences for marriage, administrations and probate of wills according to the Laws. On Sept. 30 last Col. Handysid claimed the said fees as belonging to him, and directed Petitioner's Deputy not to pay unto him any of them. *Prays* your Lordships' Order to Col. Handysid to permit Petitioner's Deputy to enjoy his office and take said fees. *Endorsed*, Recd. Nov. 27, Read Dec. 31, 1703. 1 *p.* [*C.O.* 137, 6. *No.* 22; *and* 138, 11. *pp.* 99–101.]

Nov. 27. Jamaica. **1325.** Lt. Gov. Handasyd to William Popple. *Acknowledges* receipt of letter of Aug. 26, *and refers to* former letters. I gave their Lordships my opinion that it would be best that the free Port should be settled upon the Main, altho the Assembly have passed an Act for the settling the late Port Royal by the name of Port Charles as a Port of Entry, by which you may see the unsteadiness of their resolution. The hardships I have gone through with the Council and Assembly for this ten months by past were more than ever I did in the 28 years service of the Crown and his late Majesty. But I thank God I think I have got that done which no Governor or Lieut.-Governor of Jamaica ever could accomplish before, altho all the base methods have been taken by some people of note which are lately arrived with you, and others still here, in making of parties and factions to obstruct the public good, by which means they hope to make their own court for themselves and friends in obtaining the Government, that they may basshaw it over English men as they do over their slaves and negroes, and like Judas that betrayed our Saviour still endeavouring to give me their advice, which if I had taken I should have destroyed both H.M. interest and broke my own neck, but this has been the constant practice of the politicians of Jamaica, since the setling of the English Government in it, so that it is no new thing to me. *And see following letters. Signed*, Tho. Handasyd. *Endorsed*, Recd. Read Jan. 24, 170¾. *Addressed.* 1 *p.* *Annexed*,

1325. i. Abstract of preceding. ¾ *p.* [*C.O.* 137, 6. *Nos.* 23, 23.i.; *and* (*without abstract*) 138, 11. *pp.* 109–111; *and* (*abstract only*) 137, 41. *p.* 19.]

Nov. 27. Jamaica. **1326.** Lt.-Gov. Handasyd to the Earl of Nottingham. I had the honour of your Lordship's of Sept. 14 with your Orders to give an acct. to the Spanish Governors of H.M. pleasure in assisting of the Spaniards to defend their Laws and liberties in

1703.

settling the Crown on the House of Austria, and in protecting them from all their enemys and to live in friendship with such as should accept the same. I enclose the method I have taken in putting H.M. Orders in execution. I am now to give your Lordship an acct. of the affairs of Jamaica, and first, the great hardships and fatigue I have gone thro' in obtaining an Act for the publick Revenue for 21 years to H.M., Her Heirs and Successors, and several other very good Acts, which I have now sent to the Council of Trade to have H.M. Royal Approbation, which I hope will be to H.M. and your Lordship's satisfaction, it being a thing that could never be obtained before by any of my predecessors, altho' all the endeavours imaginable have been used to obstruct it by all the art and tricks that evill disposed men could think of, as I suppose, for advancing their own designs in obtaining their own private ends, tho the destruction of the Island would have been the consequence. Your Lordship may likewise see by the minuits of Councill and Assembly now sent over what disputes there have been to prolong the time, that no publick business should be done; the reason I plainly now perceive was to make interest for themselves, or in case they failed, such friends as they should recommend, but I thank God they are disappointed of their evill designs. I have mett with in the management of this affair difficulties even in the Council as well as the Assembly to that degree which is not fitt here to be incerted, which makes me request the favour of your Lordship that such men may be put now into the Council, there being two vacancies, as have no other end but the honour of H.M., her Crown and dignity, and the welfare of the trade of England and this Island. And as such I shall beg leave to recommend to your Lordship Col. Richard Thompson Esq., merchant, in the room of Emanuell Moreton Esq., decd., and Charles Long, Esq., Planter, son-in-law to Col. Nicholas Lawe, in the room of Col. Lawe, in case he does not returne to this Island, which I presume he will hardly do unless as Governor. I hope he and everyone else that wishes the welfare of this Island will excuse me when they consider that by his absence and the other's death two are wanting of the number of the Councill, and of the remaining tenn some are so infirm thro' age and gout that they cannot attend upon occasion, and others of so sullen a temper that thro' the excuses of the one and the other I have all the difficulties imaginable to make a Councill, when H.M. affairs are most pressing in this Island, as I have to my great dissatisfaction fully experienced in the passing the Bills. I have received a letter from the Governor of Curasao and another from the Governor of St. Thomas's in relation to their trading sloops, which were taken by the Jamaica privateers, in which they seemed to threaten me very much for doing my duty in observing H.M. Orders and your Lordship's in preventing of all trade with H.M. enemys. *Refers to enclosures sent to the Council of Trade.* Likewise a list of what people have died in Kingston and Spanish Town since Jan., by which your Lordship will perceive with what mortality the sickness has been attended for these tenn months by past. I am afraid that every sixth white man, if not every fifth, has died of it. I could not possibly send a list of what have died out of the whole Island, there being to several parishes neither parson nor clerk, nor any acct. kept of the dead. I have also a letter from Sir Bevill Greenvill, Governor of Barbados, Oct. 31, which gives an account of 25 sail of French ships arrived at Martinico, but had an acct. three weeks before from a master of a sloop inhabitant of this Island, who made his escape from thence, that there are only three men of war, the biggest of which has but 50 guns, and very few land soldiers, and by all hands the first acct. seems to be truest. The Assembly is prorogued till Jan. 11. I desire your Lordship will let me know H.M. pleasure and your Lordship's opinion whether it will not be better to dissolve the Assembly and call a new one, there being severall Parishes whose Representatives are not permitted by the Body of the Assembly during this Session to sitt in the House, as will appear by the Minuits of the House, which creates mighty divisions. Besides 'tis the inclination of the Island in general to have a new Assembly called, that each parish may be duly represented. As to the enemy's attempts against us, I thank God we have hitherto escaped very well, having not lost since the warr above 27 or 28 slaves, tho our coast has been much infested by periagos and sloops, although they have mett with no purchase, which obliges me to be continually upon my guard. As to the Enemy's making any attack, I am not so apprehensive as the merchants seem to be, I could heartily wish the Island were in a better posture of defence, but all the due care imaginable shall be taken to put it in the best defence I can considering our weakness both by sea and land; but in case the enemy does attempt us, I hope your Lordship will hear we shall prove ourselves good subjects and faithfull servants to H.M., Her Crown and Dignity, and like true Englishmen not be daunted at their numbers. I come now to acquaint your Lordship of a wreck that was found of 350*l*. Jamaica money by a master or a sloop, who was dragging for his anchor, to whom with his men 50*l*. of the best of it was given, vizt. 20*l*. to the master and 30*l*. to his sailors; the remainder being clipt money and much wasted with the long continuance of it in the water is not passable as it is, and if recoined I believe will not yield above 200*l*. Jamaica money. This being the first perquisite that has happened since my coming to the Governmt., I hope your Lordship will get me H.M. grant for the same, there being several presedents of that nature in my Ld. Albemarle's time and others. As to any merchants or others, they can have no pretentions to it, there being none living here who either knew the iron chest it was found in, or guess within 60 yards of the place it was found, who were the inhabitants, the chest being thro' time all broken and defaced. The one half I have promised to the Capt. of the Fort, whose great care and diligence in the preservation of H.M. Fort when Port Royall was burnt as in several other things relating to H.M. service, obliged me to lay hold of this opportunity to make him a return, and this had never been heard of had he not secured it immediately upon the small notice he had

1703.

of it and brought it up to St. Jago de la Vega. As to the 4 men of war here they are much in the same condition as in my last, but still keep out in their stations, but when necessity obliges them, as want of provisions *etc.* *Signed*, Tho. Handasyd. 3 *large pp.* *Enclosed*,

1326. i. Counsellors of Jamaica upon ye next vacancys. Charles Long Esq, 18 Feb. Richd. Thompson 17 Feb. *No signature. Slip.* [*C.O.* 137, 15. *Nos.* 56, 56.i.]

Nov. 27. Jamaica. **1327.** Lt. Gov. Handasyd to the Council of Trade and Plantations. *Repeats parts of preceding letter to Lord Nottingham.* According to my Lord Nottingham's letter to me, we are making all imaginable expedition in fitting out a sloop to carry, under the pretence of demanding prisoners, letters to the Governors of the Havanagh, Cartagene, and Portobell. . . . I send an account of what escheats have happened in my time, which were found for the Queen, and of those not found, but the expence of the Courts discourages people from enquiring into the premises, they being often found for the Queen, and when they are, they are overvalued, which hinders not only H.M. of the real value of escheats, but of the quit-rents of the same, as you will see by a petition about an escheat in Liguany. I must desire your advice what is proper to be done that these people may not be discouraged in a thing that is for the general improvement of the Island. There are but one or two valuable escheats in the Island, the one Robison's of the North side, the other Mrs. Emry's in Liguany, which have hitherto escaped thro' the trick and power of some great ones, together with their own substance, they being very rich who are in possession of them. . . . *Signed*, Tho. Handasyd. *Endorsed*, Recd. Read Jan. 24, 170¾. 3 *large pp.* *Enclosed*,

1327. i. Duplicate of preceding. 2¾ *pp.*

1327. ii. Abstract of preceding. 4 *pp.*

1327. iii. Governor of Curaçao to Lt. Gov. Handasyd, Oct. 18, 1703. It is with much wonder I have understood that Capt. Francis Johnson, having your Excellency's Commission to cruise about the Spanish Coast of Caracas has taken three barks and boats of this Island, sailing with my passes, and hath sailed them about to have them declared good prizes; the reasons of such exorbitant undertakings between near allies and leagued neighbours are altogether unknown to me, *etc.* *Demands that* the vessels be set at liberty and full satisfaction made to the owners. *Signed*, Nicholas Van Beeck. *P.S.* Being busy writing this letter to send it by Daniel Pawell, he sailed out against my commands, taking with him a prisoner, Peter Machet, who has been sometime condemned for great debts, for which violation of my havens and justice I desire your Excellency to do me right. I have notice three barks and a periagua sailing with my passes are taken by Capt. Thomas Colby, sailing with your Excellency's Commission, with two of which he provokingly passed by in sight of this fortress. I

1703.

cannot imagine on what foot these hostilities are done, much less the reason the prohibition of trade by our superiors is yet unknown to me *etc. etc.* *Copy. Endorsed,* Recd. Read Jan. 24, 170¾. 2⅛ *pp.*

1327. iv. Lt. Governor Handasyd to the Governor of Curacoa. Jamaica, Oct. 26, 1703. To my great surprize you seem to be concerned that the Jamaica privateers have taken your sloops that they found actually trading with the French and Spaniards *etc.* Eight months ago I gave you an account of two ships trading from Curasao and told you if you would not hinder those proceedings, I should be obliged to write to England about it. Your request in having your sloops and goods restored wch. are here condemned by H.M. Court of Admiralty as prize to me seems very unreasonable. I cannot grant your request it being contrary to Law, and am sorry that my honour obliges me to do you a disservice, wch. is in sending over to England some depositions against you, that you oblige every trader that goes out in the penalty of 5.000 pieces of eight not any way to molest the Spaniard, who is our profest enemy. As to an Englishman you say that sailed out of your port after you had laid an embargo, I find that he was out of your harbour and clear of all your forts before any such embargo was laid, and consequently in my opinion not obliged to take any notice of it. *Signed,* Tho. Handasyd. *Endorsed as preceding. Copy.* 1¼ *pp.*

1327. v. Governor of St. Thomas to Lt.-Governor Handasyd. St. Thomas Island, Oct. 26 (N.S.), 1703. Some months past arrived here from Jamaica by Curaca Lucas Uytendael, sworn inhabitant of this Island, sailing with the bark *St. Patrick*, provided with a requisite pass from me, which bark and goods belonged to Peter Smith, another subject of my Sovereign, but being taken by Alexander Forrester who was furnished for the war from Barbados, and brought up to Jamaica, and there upon a frivolous pretence declared prize, after having been put to much charge to recover the same and your Excellency passed a great many flouts upon my person and this Island, just as if no people of honour lived in St. Thomas. The owners have appealed to Europe. You are very ill informed of this Island and Government; the King of Denmark nor the Royal American Company at Coppenhagen admit noe rogues upon this Island *etc.* The business lately happened was done by a bark named the *Francis and Sarah*, Francis Johnson Capt. (*see* 1327.ii.), who on Aug. 31, met with one of this country's barks, the *Robert and Mathews*, Christopher Akers, master, and belonging to one Abraham Tessemacker, a citizen of this Island, coming from Curaco, wh. he took and plundered of all the goods on board, and took the same to the coast of

Caracas, where this Johnson saw yet three others, which he took, belonging to subjects of the King of Denmark and provided with my passes, which is looked upon as a breach of the good neutrality and intelligence which has been long time between the two Crowns. Matters are still upon the same foot as in the last war, tho Joseph Sergeant and Thomas Nicholls, Commissioners of the Admiralty, would have insinuated in the sentence upon the *St. Patrick* that there was an article of agreement made between their sacred Majesties, William and Mary, and the King of Denmark, sounding contrary thereto, and that they should have had a certificate concerning the oath, which was never in use here. I hope your Excellency will cause restitution to be made of said barks and goods, with all their charges and damages, which if you fail to do, I shall be necessitated to protest against your Excellency for principal and interest and all other damages *etc.* *Signed*, C. Hanssen. *Endorsed as preceding. Copy.* 3 *pp.*

1327. vi. Lt. Gov. Handasyd to the Governor of St. Thomas'. Jamaica, Oct. 26, 1703. In relation to the Barbados privateer, I take it to be a thing that no way concerns me, he having delivered up his prizes here to the Admiralty Office, which has full power of deciding, and is not a glass of water advantage to me. As to my speaking to the disadvantage of you and the inhabitants of St. Thomas, I am sorry you are so great a stranger to me; you would find me more a Gentleman than to talk of you, who is a gentleman I never saw, knew or heard of till I had the honour of your letter. As to the trading people of St. Thomas, I told some of them, after having been well informed of their undue practices in trading with the French and Spaniards contrary to the neutrality of England and Denmark, and the States of Holland, that when H.M. of Great Britain had represented it to the King of Denmark, he would make them very sensible of their undue practices. If Capt. Johnson has done anything contrary to my Instructions to him to observe all treaties and alliances *etc.*, I shall be ready to prosecute him and his securities, but I cannot find by the account given me from the Court of Admiralty but that all the Capts. of privateers have nicely observed their Instructions. In case the Court or Captains have done any injustice unknown to me, I should be glad to have it not only discovered, but to see them have their just reward, tho' it were the gallows *etc.* *Signed*, Tho. Handasyd. *Endorsed as preceding. Copy.* 1 *p.*

1327. vii. List of prizes taken and condemned in Jamaica, May 4, 1702–Nov. 20, 1703. 22 sloops and 13 ships. 8 Spanish and 17 French: the rest Dutch or Danish, for trading with French and Spaniards. Total value c. 12,000*l.*

1703.

Names and details given. Endorsed as preceding. 1 *large double p.*

1327. viii. Deposition of Elias Toro, of Curaçao, that no vessel was allowed to go out from Curaçao without giving security in 5,000 pieces of eight not in any wise to molest the Spaniards. Oct. 19, 1703. *Same endorsement.* ¾ *p.*

1327. ix. List of burials in St. Jago de la Vega in St. Katherine's Parish, Jan. 2–Nov. 12, 1703. Total, 111. (*Names given.*) *Signed*, Thomas Stuart, Churchwarden. *Same endorsement.* 6 *pp.*

1327. x. Account of people buried at Kingston, Jan. 13–Nov. 2, 1703. Males 211 (of whom 99 were seamen), Females 62. Total, 273. *Endorsed as preceding.* 1 *p.*

1327. xi. Names and descriptions of above 273 deceased persons. *Signed*, William Collins. 7 *pp.*

1327. xii. Account of the Escheats that have occurred in Jamaica during Col. Handasyd's government. *Cases*, 1702, Rex *v.* Gripin, Rex *v.* Stephens. 1703, Regina *v.* Spirry, *v.* Mosey, *v.* Clarke, *v.* Wm. Bates, *v.* Katherine Bates, *v.* Maxwell, *v.* Rawlings, *v.* Lushington. *Same endorsement.* 1 *p.*

1327. xiii. James Parker to Lt. Gov. Handasyd. Petitioner obtained leave from Col. Beckford to take out a writ of escheat for 96 acres in Liguania which had belonged to Jane Perrott, who died Christmas 1701 without heirs, but a jury returned that there were heirs in Barbados. Since that time there is advice that none are living. *Prays* to be allowed to procure another writ for the said land. *Same endorsement.* 1 *p.*

1327. xiv. Account of expenses incurred by James Parker in connection with above writ for escheat, Aug. 1702–Feb. 1703. Total 34*l.* 0*s.* 6*d.* 1 *p.*

1327. xv. Deposition of Henry Faver, Mariner, Nov. 8, 1703. Taken prisoner by the French and carried to Martineca, he heard that there was arrived at Fort Royal 18 sail of French merchant ships and 3 men of war from Old France, the largest carrying 50 and the smallest 24 guns, and that the French had then at sea 31 privateers belonging to Martineca. *Signed*, Henry Faver. *Same endorsement.* 1 *p.*

1327. xvi. Orders at a Council of War, Jamaica, Oct. 19, 1703, in case of an attempt by an enemy on that Island. Commanding officers to appoint places of rendezvous. On an alarm Col. Edlyne, or the commanding officer in Liguanea, to send a reinforcement of 25 men and an officer to Fort James and the Rock, or a greater number in case they are attackt there. Reinforcements to make up a total of 300 men to be sent from Kingston to Port Royal, in case the enemy offer an attack there. The Governor was desired to recommend to the Council that there be stores for 3 weeks or a month laid in the forts. Upon an alarm 25 of the Militia in Vere with the officer to repair to the fortification at Carlisle Bay and take care of the same, and that on their coming the souldiers in pay on guard there repair to their companys. The oath of abjuration to be taken by all Field officers. *Same endorsement.* 1½ *pp.*

1327. xvii. Memorandum of Acts of Assembly of Jamaica, Nov. 2, 1703. ¼ *p.*

1327. xviii. Memorandum of Minutes of Council of Jamaica, Sept. 21–Nov. 25, 1703. ¼ *p.*

1327. xix. Memorandum of Minutes of Council in Assembly of Jamaica, Oct. 8–Nov. 11, 1703. ¼ *p.*

1327. xx. Memorandum of Journal of Assembly of Jamaica Oct. 7–Nov. 2, 1703. ¼ *p.* [*C.O.* 137, 6. *Nos.* 24, 24.i.–xx; *and* (*without enclosures*) 138, 11. *pp.* 111–123; *and* (*abstract only*) 137, 41. *pp.* 20–22.]

Nov. 27. **1328.** Merchants and Planters concerned in Jamaica to the Council of Trade and Plantations. In obedience to your Lordships' commands as to what convoys were necessary for carrying on the trade to Jamaica and bringing the next year's crop from thence, we do humbly propose that six men of warr be appointed for that service, to sail from the Downs Dec. 25, and that the convoy with the Fleete from thence do sail June 1st. If these times be exactly observed, in all probability the whole crop of that Island will come safely hither, for by departing from hence at that time the Planters will have gott to their Plantations the hoops, cask and packing cases for their sugar, indigo, piemento, ginger, cotton etc., that they may have most of their goods ready against June 1st. And by departing from thence then, the voyage home will be all in the summer season, and so will not be subject to have the Fleete separated from their convoy, or be lyable to those terrible storms of the Banks of Newfoundland that they allways meet with upon a later departure from thence, and which such heavy-loaden ships can by no meanes endure. By this means allso the men's lives will be preserved both in the men of warr and merchants' ships, for they will arrive there in the healthfullest season and will depart from thence before the Raines come in. 28 Signatures. *Endorsed*, R. Nov. 27, 1703. *Copy.* 1 *p.* [*C.O.* 137, 45. *No.* 57; *and* 138, 11. *pp.* 85–87; *and* (*duplicate*) 137, 6. *No.* 25.]

Nov. 27. Barbados. **1329.** Governor Sir B. Granville to Mr. Popple. Having an opportunity by some merchant ships bound home, I make use of it to pay you my respects and enclose a duplicate of what I wrote by the Pacquet boat. My account is right as to the arrival of the French fleet and number of the French men of war 5, it being confirm'd to me by all hands, but I can hear nothing more of the transport vessells with land soldiers, that part being contradicted. The French men of war after a very short stay at Martinique proceeded Leeward with the greatest part of the merchant vessells being bound to St. Dominique, and the other French and Spanish Colonies. Capt. Martin who commands the

1703.

Blackwall which I sent out for intelligence returned the beginning of this month: he look'd into Port St. Piere, Port Royal and the other principal harbours of Martinique, but saw nothing there but merchant vessells: he did on Oct. 21 and 22, take three sloops off from the shore, which he burnt, and on the 27th he took in the latitude of 16 degrees the *Duke de Berry*, a French merchantman of 130 tuns and ten guns loaden with sugar from Martinique to France, which he brought in here. The prisoners confirm what I have said above, and further say that a greater fleet is dayly expected from France, and that it will consist in 40 sail of men of war. *Signed*, Beville Granville. *Endorsed*, Recd. Read Feb. 8, 170¾. *Holograph.* 1½ *pp.* [*C.O.* 28, 7. *No.* 8; *and* 29, 8. *pp.* 380–382.]

Nov. 28. Secretary's Office, Barbados.

1330. A. Skene to Wm. Popple. *Enclosing* copies of receipts for French prisoners sent in this fleet, which were taken by H.M.S. *Blackwall*, Capt. Samll. Martin, who has since taken a ship bound for Old France, laded with 400 hhds. of sugar and a pritty good quantity of coco: he also that cruze sank in the harbours of Martinique two sloops and burnt one. *Signed*, A. Skene. *Endorsed*, Recd. Read Feb. 8, 170¾. 1 *p.* *Enclosed*,

1330. i. Receipts for French Prisoners referred to in preceding. 2½ *pp.* [*C.O.* 28, 7. *Nos.* 7, 7.i.]

Nov. 29. Sun Coffee House, behind the Royal Exchange.

1331. Ste. Mason to William Popple. *Enclosing following. Signed*, Ste. Mason. ½ *p.* *Enclosed*,

1331. i. Proposal for supplying Naval Stores from New England. [English seamen much decreased of latter years. . . . The Northern kingdoms can furnish said stores cheaper at present. *Proposes* that all customs be taken off such commodities imported from the Plantations and 20*s.* per tun allowed to every ship that shall come thence fully laden *etc.* *Endorsed*, Recd. Nov. 30, Read Dec. 23, 1703. 1 *p.* [*C.O.* 5, 863. *Nos.* 62, 62.i.; *and* 5, 911. *pp.* 157–160.]

Nov. 29. London.

1332. Newfoundland Merchants to the Council of Trade and Plantations. In obedience to your Lordships' commands in relation to a convoy for the Fishery and Trade of Newfoundland for the next year; wee humbly offer that, to prevent the totall decay of that Fishery and Trade which is almost lost, there not being above forty sayle of ships there the last year, whereas in last war there hath been loaden above 200 sayle, it's highly necessary, that the fishing ports in England, as Poole, Weymouth, Dartmouth, Topsham, Exeter and Plymouth; and Barnstaple, Biddiford and Bristoll; as also the Merchants of London may have Protections granted them by Jan. 1st for their ships, and that they be not hindred by any embargo; that in their Protections they be allowed only one seaman to 10 tons burthen for their sayling crew, and as many land men as they think fit to carry, by which H.M. Service will not be hindred; and that to prevent any frauds of other ships pretending to go for Newfoundland, who design for other trades, the Master or owners of those ships may make an affidavit before any Protection is given them that the said ships are really bound out to load at Newfoundland. That two or more Men of Warr may be ready to sayle from Spithead by March 4 next, and that they may have orders to sayle with the first fair wind afterwards, and call at the Western Ports for the ships that shall be ready to sayle with them for Newfoundland; that, in regard it's no ways practicable for the ships in the North Channel to come about, the ships in those parts may have a Convoy ready by March 10 next to call at Biddiford for those fishing ships, and to convoy them two or three hundred leagues to sea. That the Commanders of the Men of Warr may have strict orders not to impress any men out of the ships or any of the Planters' servants in Newfoundland or abroad, and the Governour of the Fort and soldiery there orders not to molest or hinder the inhabitants or ships in their Fishery or Trade, unless on the appearance of the enemy on their common defence. That the Commanders of the Men of Warr may be ordered, on their arrivall, to send boats to the northward to sound those harbours, also to the southward; so that pilotts may not be wanting in case a force be sent to annoy the enemy (and to take Placentia, as we hope will) whereby the designs of our Forces sent thither may not be ineffectual as they have been. That the Harbour of Trinity in Trinity Bay, may be fortifyed, which may be done with a small charge considering the great benefitt it will be to that Trade of Newfoundland especially as it will secure all the harbours in Trinity Bay and Bonavita, and the harbours adjacent, which may be reasonably computed one third of the Fishery of Newfoundland. And also the fortifying this harbour will be a great security of Consumption Bay, as the usuall practice of the French hath been to bring their boats over the small tract of land, between Placentia and the bottom of Trinity Bay, and annoy the inhabitants of those parts. That the Men of Warr appointed for the ships which goe for taking of the fish, may be ready to sayle from Spitthead by May 20 next, and may call at the Western Ports for what ships shall be there to go with them, and also that a Convoy may be ready in the Downs by May 10, to convoy the London ships to Spitthead. That the Convoy from Newfoundland which shall be ordered for the coast of Portugall, may have strict orders to let a Man of Warr see the ships bound for Oporto *etc.*, safe over those barrs before she leaves them, which may prevent their being taken as severall have by that negligence been this year. These things being granted, and the Convoys ready in time, we doubt not but this advantagious Trade will revive again. The not granting protections in time and the Convoys not sayling, and embargoes on our ships and other molestations as above mentioned have been the cheif occasion of the decay of this Fishery and Trade, and not the warr with Spaine only; for Portugal, only, have taken off the lading of near 100 sayle of ships. *Signed*, Solomn. Merrett, Samuell Clark, Carleton Goddard, Simon Cole, Charles Houblon, John Jackson, Wm. Brooke. *Endorsed*. Recd. Nov. 29, Read Dec. 1, 1703. 2 *pp.* [*C.O.* 194, 3. *No.* 4; *and* 195, 3. *pp.* 255–259.]

Nov. 29. **1333.** Solicitor General to the Council of Trade and Plantations. I am of opinion that the Acts passed at the General Assembly at Jamaica, Aug. 22, 1702, are not liable to any objection in point of Law. *Signed*, Sim. Harcourt. *Endorsed*, Recd. Nov. 30, 1703, Read March 28, 1704. ¾ *p.* [*C.O.* 137, 6. *No.* 26; *and* 138, 11. *pp.* 157, 158.]

Nov. 29. Whitehall. **1334.** Journal of Council of Trade and Plantations. Order of Council, Nov. 25, read and the papers required were prepared.

Report of H.R.H. Council of the Admiralty read.

Memorial of the Jamaica Merchants read.

Report to the House of Lords (Dec. 16) considered.

Nov. 30. Further progress made with above Report.

Letter from Col. Dudley to Mr. Blathwayt, Sept. 13, read. [*C.O.* 391, 16. *pp.* 298, 299; *and* 391, 97. *pp.* 735–739.]

Nov. 29. **1335.** Minutes of Council in Assembly of the Massachusetts Bay. Bill for debentures (Nov. 27) amended and sent down.

Nov. 30. Message sent down to move the Representatives to a reconsideration of the Bill passed by the Council relating to Appeals.

Mutiny Bill, sent up, was passed.

Bill to prevent disorders in the night, sent up, was read a first and second time, and concurred to be engrossed. [*C.O.* 5, 789. *pp.* 895, 896.]

Nov. 29. **1336.** Journal of Assembly of New Jersey. Amendments to bill for enforcing payment of taxes considered.

Bill for regulating assize of cask brought in.

Nov. 30. The House met and adjourned.

Dec. 1. The House met and adjourned. [*C.O.* 5, 1019. *pp.* 484, 485.]

Nov. 30. **1337.** Journal of Assembly of Barbados. The House met by virtue of a special summons from H.E. Bill for the better security of the Bays etc. was rejected. Committee appointed to bring in a new one.

Ordered that the Treasurer allow 10 per cent. for prompt payment for all that shall pay in money wch. shall become due on the duty of excise, up to 600*l.*, wch. said sum shall be by him paid for H.E. and his disbursements according to a former vote.

Resolved that the Speaker move H.E. that the bonds in the hands of the late Treasurer and due to the public stock be forthwith delivered to Charles Thomas, the present Treasurer. [*C.O.* 31, 7. *pp.* 143–145.]

[? Nov.] **1338.** John Roope to the Council of Trade and Plantations. It was Oct. 5 before I came hither, which makes me stay all winter, and by consequence ye greatest part if not all next summer; so that next shall be able guive a perfect account of the state of this country and Trade, and what deficiencies there are, and how remedied; I have found a grove of timber for the boom about 12 miles by water from this place, so hope to perfect it as soon as the weather will permitt to transport it hither. As to Admiral Griden's miscarriage, I know nothing of it; but I hope that unsuccessfull, and I thinck may (by report) say unattempted designe, will nott so discourage yt. there may nott be another made, if itt should, I feare yt. ye French will take this place, and so spoile us of ye poore remaines of one of ye noblest trades yt. England ever had, for wee have repeated advices from Plasentia that they have a designe against us, yt. there are 2 ships, one of 50, ye other of 46 guns, now there, that they have 2 mortars and 500 bombs aboard each ship, and 900 men in ye 2, and that they expected 4 more from France, and then they would attack this place by sea and land, and on Fryday ye 5th inst. a French party surprized and plundered Renous, and brought wth. ym. one of that place, whome they took from thence in June last, who reporteth that there are 2 ships at Placentia of about 50 guns, that they expected 300 Canadins, and then would endeavour for this place, which if they should effect, would be of dangerous consequence. Wherefore 'tis humbly requested yt. wt. ye inhabitants desire in their Petition (which suppose in some little time, will be presented you) may be considered, and yt. ye commanding Officers may be some that know ye valleu of this Trade, for men that understand not something of the Fishery and Trade, altho' they have been here severall times, nay lived here some years, will not understand the worth of this country, and think it not worth fighting for. But wee may see what care the French take to preserve and increase their strength by countrys and trades that require labour, dilligence and industry as inuring their people to hardships and so fitt ym. for service, and by this dilligence gett ye proffitt to themselvs, yt. those yt. have the golden conquest think they injoy, for by the Spanish example they see that golden countrys cause ye people yt. enjoy ym. to be proud, idle and luxurious, and so become ye scoffe and prey of theire neighbours; and itt is nott Spaine alone yt. may be taken for a presedent, but ancient history is full of ye like cases. By ye taking this country and Nova Scotia, all ye French Settlements in ye North of America must fall of cource, and so ours improved and secured for all ships yt. goe up ye Bay or River of Canada must pass ye Channell yt. is between this Island and ye Main, ye wch. River of Canada runneth through ye North of America, and on ye back of all our Plantations; and I doubt it hath a passage into ye Western Sea and so to the East India, for I heare ye French are makeing a Settlement at Callefournia, and if itt be nott for such purpose, I cannott conjecture what they can propose by such extraordinary distant Collony. So yt. in my opinion ye reduction of those parts would hurt France as much as if H.M. could by sending succours to her ancient subjects ye Sevenois recover her ancient dutchy of Aquitain; I heartily wish both could be performed. *Signed*, John Roope. *Endorsed*, Recd. Dec. 8, 1703, Read March 21, 170¾. 1 *large p.* [*C.O.* 194, 3. *No.* 6; *and* 195, 3. *pp.* 280–284.]

[Dec. 1.] **1339.** Rules agreed upon by several persons combined together, who had withdrawn themselves to an Island in Trinity Harbour [*Newfoundland*] for security from the French. *Signed*, Thos. Edwards. *Endorsed*, Recd. from Capt. Richards. Read, Dec. 1, 1703. 1 *p.* [*C.O.* 194, 3. *No.* 5.]

Dec. 1. **1340.** Deposition of Capt. Bilton and Capt. Gilbert. The latter born in Bermuda and has used those seas for 12 years. They never heard that Governor Bennett ever received any bribes nor presents, unless a few oranges or lemons. They believe all vessels arriving at that Island do with the first oppertunity of wind and weather come to an anchor in the Castle or St. George's Harbour, and never heard that the present Governor ever permitted any vessel to load or unload any goods before they came to an anchor in one of those harbours. They believe there is no brandy suffered to be brought to that Island unless by passengers in cases from Barbados, *etc.*, for their own use etc. *Signed*, Willm. Bilton, Saml. Gilbert. *Sworn*, Dec. 1st, 1703. *Endorsed*, Recd. Dec. 6, 1703. Read June 1, 1704. 1 *p.* [*C.O.* 37, 6. *No.* 6.]

Dec. 1. **1341.** Deposition of Capt. Bilton as to the kind usage he received from Lt. Gov. Bennet, when his vessel laden with logwood, was cast away at Bermuda. Sworn Dec. 1st, 1703. *Signed*, Willm. Bilton. *Endorsed as preceding.* 1 *p.* [*C.O.* 37, 6. *No.* 7.]

Dec. 1. Whitehall. **1342.** Journal of Council of Trade and Plantations. Memorial from Newfoundland Merchants read.

Ordered that the Jamaica Merchants be again desired to attend.

Capt. Richards acquainted the Board that the stores and cloaths for the soldiers had arrived since his departure from Newfoundland. He said that the French at Placentia have 3 companies of 50 men each, and in the winter they oblige all their inhabitants of that country to come and live there. It would be very well if the English did in like manner inhabit at St. John's; whilst scattered they may easily be insulted. He therefore wholy disapproved of the design that some had had to fortifye Trinity Harbour, Carboniere and Conception Bay, for that nothing but numbers can make any place strong. He complained much of their irregularity, and instanced in about 80 that had got into a smal Island and combin'd together under rules of their own contrivance, without any consideration of H.M. authority, and communicated to the Board a paper signed by one Edwards their leader. [*No.* 1339.] He promised to put in writing whatever he thinks best for the security of ye place and trade.

Further progress made in the Report for the House of Lords.

1703.

Dec. 2. Letter from Mr. Burchet, Nov. 26, read. Letter to Mr. Warters thereupon ordered.

Letter from Commissioners of Prizes, Nov. 25, read. Mr. Blathwayt communicated a Report by them relating to the *Neptune.*

Ordered that a copy of the Act mentioned in the abstract of the Laws of Rhode Island received from the Governor in his letter of May 27, 1699, relating to their Admiralty Court, be sent to Mr. Attorney General etc. [*No.* 1348.]

Ordered that Mr. Wharton have notice that the person who brings the Address from the Monhegan Indians is desired to attend the Board to-morrow morning.

Letter from the Board of Ordnance, Dec. 2, read. Ordered that Francis Cope, the Master Gunner lately returned from Jamaica, attend on Monday.

Dec. 3. Mr. Perry with other Virginia Merchants presented a computation of tobacco imports thence.

Sir G. Heathcote and Sir B. Gracedieu attending, and being moved by their Lordships to lessen the convoy desired by their Memorial for the Jamaica trade, they answered that in consideration of the great riches brought from thence, and that the convoy is desired but once a year, they thought their first demands were reasonable; but nevertheless considering the loss by the late storm, which may probably occasion some difficulties, they desired 4 ships if 6 could not be obtained, to consist of 3 fourth rates and one fifth. They said that the Island is increasing in the production of indico and ginger to a great degree; the annual export of sugar, 14,000 *hhds.* They promised in a few days to lay before the Board ye best computation they are able of the commodities brought thence the last year.

Letters from Col. Dudley, Sept. 15 and Oct. 27, read. Ordered that Mr. Phips be desired to attend on Monday in relation to the smal arms desired.

Letter to Mr. Burchet concerning Mr. Hallam [Dec. 3] ordered. In the meantime Mr. Wharton laid before the Board a Memorial from Hallam relating to his Commission from the Mohegan Indians, which was read. [*C.O.* 391, 16. *pp.* 300–307; *and* 391, 97. *pp.* 741–751.]

Dec. 1. **1343.** Minutes of Council of Barbados. Ordered that the late Treasurer deliver to the present all bonds due to the public.

Bill to remit forfeitures read three times and passed.

Bill to prevent the abuses of Butchers, by exacting exorbitant prices for their meat, ordered to be brought in.

Bill for the encouragement of white servants *etc.*, read the second and third times, passed, and consented to by H.E.

Ordered that the report of Major Lillington and Judge Downes with the depositions by them taken against William Salmon be delivered to the Attorney and Solicitor General, who are to prosecute him at the next General Court.

Whereas Capt. Gilligan and others have been committed for High Treason, and there being no answer arrived of H.M. pleasure

1703.

in their case, and the Court of Oyer and Terminer drawing nigh, ordered that the Attorney and Solicitor General do act in relation to them as shall be most for H.M. service. 100*l.* paid to Mr. Edward Arnell to be laid out by him for the entertainment of that Court and Juries *etc.* [*C.O.* 31, 8. *pp.* 152–154.]

Dec. 1. **1344.** Minutes of Council in Assembly of the Massachusetts Bay. Order, sent up, agreed to that, in consideration of the impoverishing circumstances that the town of York is under by means of the present war, the Constable of the Town pay 15*l.* out of the sum levied in that town in the last Province tax, to the minister.

Bill to prevent disorders in the night, read and concurred to be enacted.

Petition of John Saffin, sent up with the Order of the House that he have a review at the next Superior Court, negatived, and the Petitioner referr'd to the Law.

Message sent down to propose the abatement of some clauses in the Bill about Debentures.

Bill in addition to the Act for regulating the Militia, sent up, was read a first time.

Dec. 2. Resolve sent up was concurred, that 200*l.* sterl. be paid Constantine Phips in consideration of what service he has done, and to assist him in further serving as Agent.

Resolve sent up was concurred, that 50*l.* be paid to Isaac Addington for his extraordinary service done for this Province the year currt., and 70*l.* to James Russell, Commissioner of Impost.

Report of the Committee upon the accompts of John Usher, accepted by the Council, was returned from the Representatives with their vote, that not having the accompts therein mentioned, they know not know to proceed upon them.

Bill relating to Appeals, sent up, was passed.

Bill concerning Debentures, sent up, was read and voted to be laid by for consideration at the next Session.

Message sent down, to ask whether the House had had consideration of the Message sent them a fortnight since for a suitable allowance to be made to H.E. the Governour and Lieut. Governour. The Messingers reported, that Mr. Speaker said he was instructed by the House to say they had a paper of grievances to send up, and when they were redressed, the House would further consider that matter.

Order of the Representatives read and concurred, that the Committee for issuing bills, who still detain 48*l.* 10*s.* of the 5,000*l.* which ought to have been delivered to the Treasurer, forthwith deliver it to him ; and that they be paid 18*l.* 6*s.* for paper and printing.

Proposal of the Representatives concurred, with a limitation of the continuance thereof : that 40*l.* be allowed out of the Treasury for each scalp of an Indian enemy above 10 years of age, which shall be taken and brought in as the Law directs, to all Voluntiers who being commissioned by H.E. and set forth and maintain themselves free from the Province charge, and all Indians taken under 10 years of age, they shall have the benefit of the sale thereof as ye Law directs, together with all other plunder. And that all such Voluntiers as shall be commissioned and march forth against the said enemy from New Hampshire, shall have four fifths of the above-mentioned encouragements out of the Treasury of this Province. To continue in force till the end of the Session of the General Assembly in May next. A further proposal therewith sent up from the Representatives, was not passed by the Council: That considering the great difficulty and hardship that will unavoidably attend a march of the detached forces during the winter season, it is further proposed that the same may be desisted, and H.E. humbly moved to disband such of the sd. forces as are kept in pay for that design.

Resolve of the Representatives concurred, impowering the Treasurer to issue forth 10,000*l.* of the Bills of Credit for the uses for wch. the last tax was granted, to be accepted in all public payments at 5 *p.c.* advance, for the paying of which bills the duties of impost and excise shall be a fund, and as a further security for the same and securing the further necessary growing charge of the Province, defence of H.M. subjects and support of the Governmt., there is hereby granted unto H.M. a tax of 10,000*l.* to be levied on polls and estates, in such proportion in the several towns and districts as shall be agreed on in the General Court in May.

H.E. proposed to prorogue the Court till March 8, and summoned the Representatives to attend, after which they sent up a message to H.E., submitting to consideration the following particulars to be redressed :—(1) The money last granted to the use of the fortifications at Castle Island, being 700*l.* to be drawn out by Col. Romer and Mr. Brattle for the finishing of said Col.'s projections then laid before the Court, Mr. Brattle not accepting that betrustment, this House are at a loss who shall inform them of the regular drawing of the same, or whither any remain. (2) Several of Col. Romer's projections are not yet accomplished, tho' he promised they should be first done, being of greatest importance as this House conceived at the granting sd. sum *etc.* (3) We pray that due care may be taken that the Chaplain reside at the Castle, that the worship of God may be upheld amongst those that continue there, that they may daily attend the same, and that if any neglect the same such may be animadverted upon. (4) And that not any persons be there allowed to sell strong drink for the impoverishing the parents, masters or familys of such as are posted there. We pray the consideration of the prospect of the vast charge ye Fortification at Casco is like to draw upon ye Province, it being enlarged, so far as we are informed, that 100 men will hardly be found sufficient to keep it upon any assault. We pray that the number of souldiers at Castle Isle may be reduced to 30 officers and souldiers until the middle of March next, and that a winter march may be desisted from (there being encouragement given to Voluntiers) and that the souldiers intended therefor may be disbanded to

1703.

such a number as your Excellency may see convenient for the several garrisons. We pray that John Battiss, prisoner at the Castle, be removed into and kept in the room there formerly prepared for him; that an armourer may be one of the listed souldiers at ye Castle; that Major John Cutler's mismanagement, that hath been laid before your Excellency as well as this House, may be examined, and upon due proof, that he be obliged at answer the next Sessions of this Court. We pray that Capt. Turfrey may be sent for to answer his neglect in leting the Indian prisoner, Thom. Hood, go out of Saco Fort.

Which paper was read at the Board, and then immediately the Speaker and the House came up. H.E. signed the several Acts that were passed, and acquainted the House that the money they had granted to several persons and occasions was agreed to by the Council and ordered that the Acts pass the Seal and be published to-morrow. And then acquainted Mr. Speaker and the House that he had received their paper and communicated it to the Council, and told them that application for disbanding the forces at the Eastward was very improper, it being the universal opinion of the Committee of Gentlemen and Officers with whom he was in this case to advise, that the winter was the only time for a march to follow the enemy, because the very disresting of them would destroy them. The removal of Battiss did very little concern them, he being in the same room that he ever was in, and that there was no other place proper for him; however that was the buisness of the Commander of the Castle. The desire of having Major Cutler's mismanagement heard in the Session of the General Assembly was a mistake, because the General Assembly was not the Court to hear and punish such offences, but a Court Martial, whatever was supposed to be a fault must be there heard and determined as it ought. And prorogued the Assembly till March 8. [*C.O.* 5, 789. *pp.* 896–900.]

[Dec. 2.] **1345.** Copy of H.M. Patent constituting John Baber Secretary of Jamaica, Aug. 12, 1702. *Countersigned*, Wright. *Endorsed*, Recd. Dec. 2, Read Dec. 31, 1703. 6 *pp.* [*C.O.* 137, 6. *No.* 27.]

[Dec. 2.] **1346.** Copy of H.M. permit to John Baber to stay in England and execute above office by Deputy, June 12, 1703. *Countersigned*, Tho. Nicholls, Cl. Council. *Endorsed as preceding.* 3 *pp.* [*C.O.* 137, 6. *No.* 28.]

Dec. 2. Office of Ordnance. **1347.** Board of Ordnance to the Council of Trade and Plantations. Enclosing following. *Signed*, Granville, C. Musgrave, Wm. Bridges, Ja. Lowther. *Endorsed*, Recd. Read Dec. 2, 1703. 1 *p.* *Enclosed*,

1347. i. Francis Cope to the Board of Ordnance. Appointed to go as Master Gunner with two mates, to Jamaica, to instruct the inhabitants and soldiers, Sept. 4, 1701, he arrived to find Governor Selwyn dead. Col. Beckford would take no notice of his warrant, answering that the inhabitants had other business than to learn gunnery, but ordered them to do duty under Col. Knight at Fort Charles as common gunners at 2*s.* 6*d.* per diem. The 10 artificers that went over at the same time Col. Knight directed that they might go into the country and get what work they could, but were to leave word with Cope where to be found. The guns that were sent over with Col. Selwyn, 8 of the culvering stand mounted before the Fort Gate without anything under the wheels. One of the 13 inch mortars lies dismounted, the bed being rotten. The Field traine is mounted and stands before the Governor's door in the Spanish Town; he desired me to acquaint this Board that he had demanded 70*l.* of the Council to build a shed to keep it from being exposed to the weather, nay, came down to 50*l.*, but the Council would not allow anything. At Kingstown he saw the tumbrils dismounted standing against a wall open to the weather, where they stood above a twelvemonth, but are since removed. Just before he left the Island, he was credibly informed the musquets, pistols and swords still remain in the bundles as they were sent over. 1½ *pp.* [*C.O.* 137, 6. *Nos.* 29, 29.i.]

Dec. 2. Whitehall. **1348.** William Popple to the Attorney General. The Council of Trade and Plantations send you the enclosed copy of an abstract of an Act of Rhode Island, as transmitted to them by the Governor of that Colony, relating to their Admiralty Court; and thereupon desire your opinion whether the passing that Act and putting the same in practice be not good cause of forfeiture of their Charter, and what may be fit to be done thereupon, there being no reservation of power in the Crown by the Charter of that Colony for repealing the Acts made by them. [*C.O.* 5, 1290. *pp.* 387, 388.]

Dec. 2. Boston. **1349.** Minutes of Council of the Massachusetts Bay. Petition of Benjamin Gillam, Commander of the *Reward*, read, stating that said ship, worth 10,000*l.*, laden and ready to sail for Barbados, lies at 8*l.* charge per diem, and part of the cargo perishing, John Colman, attorney to some gentlemen in England, having taken out an attachment against the estate or person of Nathaniel Wilmer and stayed the ship thereon. Colman refusing to give bond, H.E. declared he would not stop the ship by any extraordinary method, beside the common course of the Law, wch. was open to him; wherewith the Council were satisfied.

454*l.* 4*s.* 6*d.* paid to the garrison of H.M. Castle on Castle Island, July 6—Oct. 5, 1703. [*C.O.* 5, 789. *pp.* 548, 549.]

Dec. 2. **1350.** Journal of Assembly of New Jersey. Bill for raising 1,300*l.* read the first time.

Mr. Gordon moved that leave may be given to bring in a Bill for confirming the former proceeding of Courts of Judicature, and then the House adjourned.

1703.

Dec. 3. Bill for raising 1,300*l.* (for defraying the charge of the Government and paying Representatives' fees) read a second time and committed.

Dec. 4. The above Money Bill was further considered. The amended Bill was ordered to be engrossed. [*C.O.* 5, 1019. *pp.* 485, 486.]

Dec. 3. Whitehall. **1351.** William Popple to Josiah Burchett. The Council of Trade and Plantations have ordered me to acquaint you that Nicholas Hallam, a person of substance in the Colony of Connecticut, where he inhabits, and now sent from thence with an Address to H.M. and Instructions to apply himself to them in relation to the publick affairs of that Colony, being a seafaring man and under apprehensions of being prest into H.M. service here, as he has been once already since his arrival, so that he has declined to wait upon their Lordships unless he may have a protection for himself and servant, I am commanded to desire that a protection may be granted accordingly during his stay in England. [*C.O.* 5, 1290. *pp.* 393, 394.]

[Dec. 3.] **1352.** Account of Tobacco imported to London from Virginia and Maryland, Sept. 22, 1702—Nov. 27, 1703. *Total,* 135 ships ; 59,036 *hhds.* tobacco. *Endorsed,* Recd. Read Dec. 3, 1703. 4 *pp.* [*C.O.* 5, 1313. *No.* 35.]

[Dec. 3.] **1353.** Nicholas Hallam to the Council of Trade and Plantations. An inhabitant of Connecticot, he is lately arrived from thence, where he was empowered by Owaneko, chief Sachem of the Mohegan Indyans in that country, to take care that their grievances from the Government of Connecticot may be laid before H.M. in order to a redress thereof, to which end Hallam, by way of complaint informs your Lordships, that Uncas, father of the said Owaneko, was chief Sachem of the Mohegan Indians in those parts and chief Proprietor of all the lands there, and that Uncas and the Indyans under him at the first coming of the English into that Colony received them friendly, and permitted them peaceably to plant and settle great part of the Indian Lands, and parted with the same to them for a very small and inconsiderable value, Uncas and the Indians reserving only a small parcell of land for themselves to plant upon and hunt in. Uncas and Owaneko and all their Indyans have ever since maintained and cultivated a strict, firm and inviolable friendship, by leagues and otherwise, with the English of that Colony, and as often as the English have had war with or bin assaulted by the other Indyans, the Mohegans have always assisted the English, ventured their lives in their defence, and been a great means of preserving the English from being cutt off and destroyed by their Indian enemies, they have always of their own accord acknowledged the Kings and Queens of England as their Sovereigns and have been ever ready to pay all due obedience and to yield subjection to them. Several Agreements have been made between the Government of Connecticot and the Mohegan Indians, in all and most of which the said Indians were to be preserved and protected

1703.

in their possessions of land, which they had reserved to themselves, which was but small and inconsiderable, and scarce sufficient for their own use and subsistance. Notwithstanding the extraordinary kindness friendship and assistance given by the said Mohegan Indians to the English, the General Court of Connecticot, contrary to the said Articles and to all justice, have lately granted away to the towns of New London and Colchester all that small part of land which the said Indians had reserved, part of which has been laid out by the Surveyor to the Governour and to one Saltenstall, Minister of New London, a creature and favourite of the Governour's, and to others there, so that the said Sachem and Indians have now nothing left. They have often applyed to the said General Court for redress, but without effect, and instead of being relieved, several of the Indians have bin seized on and their guns taken from them only for hunting in their own grounds. They have ever had and still have an entire affection for the English, of which their kind and frequent concessions to the English, and assistance of them have been sufficient instances; yet the late treatment of them as also several other unkindnesses and cruelties shewn them by the English, and the circumstances they are thereby reduced to (if not timely prevented) may tempt, if not compell, them to desert the English and flee to and join with the other Indians already in war with the English in the Eastern parts; from which Indians the Mohegans may be assured of a kind reception; the pernicious consequence of which may be the ruine and destruction of multitudes of H.M. good subjects. They have sent over several papers relating to their grievances, which tho' not very artificially sett forth, yet serve to demonstrate they have sufficient reason to complain. *Prays that* it may be referred to Gov. Dudley to enquire into the truth of this matter, and to report with all speed; and that in the meantime orders may be sent to the Government of Connecticot to permit the Indians peaceably to enjoy their lands, and particularly such of them as have bin lately granted or added by the said Generall Court to the towns of New London and Colchester, and that the said Indians may be treated as friends and protected as the rest of H.M. good subjects. *Signed*, Nich. Hallam. *Endorsed*. Recd. Read Dec. 3, 1703. 4½ *pp.* [*C.O.* 5, 1262. *No.* 56; *and* 5, 1290, *pp.* 388–393.]

Dec. 4.
Office of Ordnance.

1354. Board of Ordnance to the Council of Trade and Plantations. We here according to your Lordships' desire send you a plann of the Channells and Avenues with the exact soundings between Kingston and Port Royal as we received it from Mr. Lilly. *Signed*, Granville, C. Musgrave, Ja. Lowther, Ja. Craggs. *Autographs. Endorsed*, Recd. Read Dec. 7, 1703. 1 *p.* [*C.O.* 137, 6. *No.* 30.]

[Dec. 6.]

1355. Memorandum of abstract of List of Tithables of Virginia, 1703. ½ *p.* [*C.O.* 5, 1313. *No.* 37.]

1703.
Dec. 6.

1356. Solicitor General to the Council of Trade and Plantations. In obedience to your Lordships' order I have considered the Acts passed in Bermuda 1690, 1691, 1693 and 1694. *Enumerated.* As to (1) the *Act to prohibit from retailing liquors without lycence of the Justices.* this Act is by a particular proviso therein to continue for two years from the publication thereof, and I presume was intended to commence at 20 days end after the publication, but by mistake in penning the Act commences immediately and lasts no longer than 20 days. (2) In the clause in the *Act for keeping a dilligent guard at the Castle and Pagitt's Fort* for the further incouragement of the watch and guard by distributeing the fourscore ears of corne, there is an omission of a line or two which makes that clause nonsense. (3) By an *Act for trying any debt or difference not exceeding* 20*s. by the J.P.*, the Justice is enabled to allow what he pleases to be evidence, whereas he ought not to determine but by legal proof. It also provides that after judgment shall be awarded by the Justice, if satisfaction shall not be made within 10 days, the Justice is to grant his warrant to levy the debt and charges by distress and sale of the parties goods, and for want of such distress, the Justices are impower'd to hire out to service the defdt., till the debt and charges shall be satisfied, but there's no rule to determine when the debt is satisfied, or by what means the party shall again obtaine his liberty. This is not agreable to any execution which can be awarded according to the Law of England, it gives an arbitrary power to the Justice to make any Defdt. from whom such debt shall be oweing a servant, if not a slave, to whomsoever and wheresoever he thinks fitt. For these reasons I think this Act not fitt to be confirmed. (4) By an *Act for recovery of debts from persons insolvent,* every person of what quality soever, as wel strangers as inhabitants, within the Island, who shall be in prison for debt, and shall not pay the same within 10 days after such publication as is mentioned in the Act, is to be hired forth to any person in any place and upon any imployment as the Governor and Council shall order for satisfaction of the said debt, but no rule is laid down to ascertain the rate or price for which such person is to serve, nor when the debt is to be satisfied, nor how the debtor shall be discharged from his service. Persons of very good ability, especially strangers, thro' misfortunes or accidents, may be in prison for debt, and unable to pay the same within 10 days, yet such persons are equally liable, as persons really insolvent, to become servants to work out their debts. The persons insolvent only are mentioned in the title of the Act, yet this Law extends to all persons whomsoever, and to all debts without any distinction. I think this Act not fitt to be confirmed. (5) The *Act for putting out apprentices and setting idle people to work* directs such as are of the age of 15 and living idly, and not having wherewithal to maintain themselves, to be forced to work or go to service as is required by the Statutes 7 Jac. 1., and there are not any such statutes. But this Act referrs also to several other Laws which may be of great use, and therefore may without prejudice be confirmed. (6) The *Act for settling intestates' estates* mentions the wrong chapter of an Act referred to. (7) In the *Act for the liberty of the subject*, the statutes of H. III. and E. III. referred to are unnecessary to be enacted within these Islands, being declaratory of the Common Law of England. If the 16th of Car. I. should be there in force, the jurisdiction and authority of the Queen in Council in making any determination concerning any lands, tenements, goods or chatles on appeal, or otherwise, is wholly laid aside. This Law likewise enacts that all Laws in force in England relating to liberty and property, shall be also in force within those Islands, which I conceive to be very improper, and ought by no means to be approved of. (8) An *Act for quieting men's estates and preventing Law suits.* A Statute of limitations is undoubtedly at least as necessary in these Islands as in England, but this Act is so very imperfectly drawne, that it will rather destroy men's undoubted rights then quiet them, and create law-suits than prevent them. An actual enjoyment for 20 years before the making this Law without any claim, rent, service or acknowledgment, and five years continued enjoyment afterwards, or the like enjoyment for 20 years at any time after the making the Act, is turned into an absolute estate of inheritance. As to the limitation of five years after the making the Act, I conceive that tyme to be short, and persons who had a right of entry might be surprized thereby. And as this Act is penned, persons who have an undoubted title in reversion or remainder may be barred thereof by the possession of tenant for years, during whose possession they in reversion or remaynder cannot by Law make any entry or claym. The provision in this Act ought to have been agreable to the Statute of limitations, 21st Jam. I. For the imperfect drawing of this Act and the ill consequence may arise thereby, I conceive it ought to be rejected. (9) Part of the *Act for the alteration of several Acts* varys part of the Act before mentioned for trying any debt not exceeding 20s. by the Justices, but leaves it liable to the objection before made to it, and therefore I think this Act not fit to be confirmed. (10) The *Act for liberty of the subject from illegal imprisonment* gives the entire benefit of the Habeas Corpus Act of 31st Charles II. to the inhabitants of this Island. They have all the benefits of the writ of Habeas Corpus which the Common Law of England gives against illegal imprisonments. It must be submitted to your Lordships, whether such an Act in those parts will not lessen the dependance upon the Crowne. If such a Law should not be thought improper there, yet the granting a Habeas Corpus ought not to be in the power of every J.P. (11) The Excise Act of 1693 has the same mistake as that of 1690 *as above.* However, this Act also is long since determined according to their intentions. As to the residue of the several Acts concerning which I have made no particular remark, your Lordpps. will observe that very many of them were but temporary, and are determined several years since, and few of them are drawne so carefully as they ought to be, and in many of them there seem to be mistakes in transcribing. However, I have no such objection in point of Law as to advise the rejecting of them. *Signed*, Sim. Harcourt. *Endorsed*, Recd. Dec. 2, 1703. Read July 11, 1704. 7 *pp.* [*C.O.* 37, 6. *No.* 5; *and* 38, 6. *pp.* 20–35.]

Dec. 6. **1357.** Solicitor General to the Council of Trade and Plantations. *Report* on the Laws of the Bermuda Islands, 1690, 1691, contained in the Book of Laws—a negligently transcribed copy of the Laws criticised in preceding. *Signed*, Sim. Harcourt. 2½ *pp.* [*C.O.* 37, 6. *No.* 4.]

Dec. 6. **1358.** Copy of H.M. Instructions concerning Imprisonments in Barbados. (*See preceding volume of this Calendar.*) A True Copy. *Signed*, A. Skene, Secretary. [*C.O.* 319, 1. *pp.* 53–55.]

Dec. 6. **1359.** Mr. Warters to Mr. Popple. *In reply to letter of Dec. 2nd.* It has been always customary in time of war to appoint Agents as well in the several Plantations abroad as at home, for receiving the perquisites of Admiralty. The Agents so empowered have of late met with great oppositions and discouragements from the Governours of several of H.M. Plantations, of which great complaints have been made, more particularly from Bermudas, Berbadoes, Jamaica, Antegoa, New England, to the great prejudice of H.R.H. the Lord High Admiral in the recovery of his just rights, and to the great loss to the publick, to whose use all those rights are assigned during the present war. These complaints from the Agents have given occasion for this matter being laid before their Lordships the Commissioners for redress, and for the further satisfaction to their Lordships in this matter I have here incerted the several particulars how the rights of Admiralty do arise on prizes. (1) All enemies' ships that shall come into Port, whether by mistake, stress of weather or other accident, the same do wholy belong to the Lord High Admiral. (2) All such that shall be seized either by any of H.M. men of war or otherwise within any Road or Harbour, or within gun-shot of any of H.M. forts or castles, do likewise wholy belong to the Admiral. All ships or goods taken from the enemy by any ship not commissionated, the same. All such taken by Privateers or ships carrying Letters of Marque, a tenth belongs to the Admiral. All men of war or privateers belonging to the enemy taken by any of H.M. ships of war or privateers, a tenth thereof likewise belongs to the Lord High Admiral. Salvage of ships and goods retaken from the enemy belongs to the Lord High Admiral. There are many other Droits of Admiralty such as wrecks of the sea, flotsons, jetsons, lagons, derelicts, ships and goods of pirates, deodands, and many others which come more particularly under the care of the Vice-Admirals, for which they are accountable to the Lord High Admiral. *Signed*, J. Warters. *Endorsed*, Recd. 6th, Read 17th Dec., 1703. 2 *pp.* [*C.O.* 323, 5. *No.* 31; *and* 324, 8. *pp.* 309–311.]

1703.
Dec. 6.
Whitehall.
1360. Journal of Council of Trade and Plantations. Mr. Cope [*see* Dec. 2] attending said that he was sent Master Gunner to Jamaica in 1701, which their Lordships judged to have been done by the Board of Ordnance in pursuance of their Representation upon occasion of Brigadier Selwyn's going Governor. Whereupon ordered that his Memll. be sent to Col. Handasyd, and that he be told it is a reproach to the Island that a man sent in that manner has been no better received.

Letter from the Lords Proprietors of Carolina read.

Ordered that the Barbadoes Merchants and New England Merchants have notice to lay their desires relating to convoys for those trades before the Board in writing on Wednesday, and the Pennsylvania Co. to attend then.

Letter to Mr. Burchet about Newfoundland ordered.

Dec. 7. Mr. Byfeild attending on behalf of the Pennsylvania Co., their Lordships enquired if there be good riding for a fifth-rate frigat upon the coast of S. Carolina; and some other doubts also arising upon the meaning of the Company's Memorial, in relation to New York and Pennsylvania, he desired to take it back, and promised to bring another more full and perfect on Thursday next.

Order of Committee of House of Commons to prepare a bill for the incouragement of seamen and effectual manning of the Navy, requiring the Board to lay before them an account of what ships, tonnage and number of men are imployed in the several foreign trades, or have been so employed for one or more years past, read. Ordered that the Secretary write to Mr. Sansom for the account thereby desired, the Custom House being the only place where such accounts can be taken.

Ordered that the Secretary write to Mr. Perry for an Account of what ships, tunnage and number of seamen, were imployed in the Virginia and Maryland Trades in the last year, and to Mr. Merrit for a like account of the Newfoundland trade.

Plan of the channels and soundings between Kingston and Port Royal laid before the Board.

Report to the House of Lords (Nov. 22) considered.

Dec. 8. Mr. Jennings presented a letter from Governor Nicholson, referring to 3 boxes of papers received; all which their Lordships ordered to be methodized and laid before them with a list of the whole at the first conveniency. He also delivered a list of the ships and tobacco exported from Virginia and Maryland under the convoy with which he came, but some supposed to be lost in the late storm.

Further progress made in the Report to the House of Lords.

Memorials from the Barbadoes and New England merchants read. [*C.O.* 391, 16. *pp.* 308–314; *and* 391, 97. *pp.* 753–762.]

Dec. 6. **1361.** Journal of Assembly of New Jersey. Money Bill read a third time, passed and sent up.

Amended Bill, to enforce the payment of former taxes in the Western division, ordered to be engrossed.

Dec. 7. Above Bill read a third time, passed and sent up.

1703.

Engrossed Bill for ascertaining Representatives' fees read a third time, passed, and sent up.

Dec. 8. The House met and adjourned. [*C.O.* 5, 1019. *p.* 487.]

Dec. 7. Whitehall. **1362.** W. Popple to J. Burchett. The Council of Trade and Plantations being called upon to give an account of the last summer's trade and fishery at Newfoundland, enquire what answer they are to expect to the Heads of Enquiry of June 3 last. [*C.O.* 195, 3. *p.* 260.]

Dec. 7. **1363.** Minutes of Council of Bermuda. Ordered that the next Assizes be holden on the second Tuesday in March. [*C.O.* 40, 2. *p.* 57.]

Dec. 7. St. Jago de la Vega. **1364.** Minutes of Council of Jamaica. The Gentlemen appointed Nov. 25 to hire a sloop to carry pacquetts to the Spanish Governor's, giving an acct. that they could not do so, ordered that the Naval Officer hire one, and if he cannot, that he immediately send notice to the Governor and thereupon that he have an Order to impress for yt. service and that she be mann'd with the people belonging to ye men of war.

There being certain intelligence that the French at Hispaniola have four men of war and a fleet of merchant and store ships lately come there, and ye Masters of merchant ships now ready here having petitioned the Govr. to grant them a convoy to the Crooked Island, the Board advised it was not safe for them to goe that way, till we have further intellegence of the motion of the enemy, and therefore that there should be an imbargo laid on all vessels except Turtlers and Traders about ye Island. Ordered accordingly.

50*l.* ordered to be paid to Capt. Edwards for his good service against ye enemy lately landed at North Side, and 50*l.* to such persons as ye Govr. and Gentlemen of the Council wch. shall happen to be in town shall appoint, according to the Captain's report of their service in that action.

Various salaries paid. [*C.O.* 140, 6. *pp.* 199, 200; *and* 207, 208.]

Dec. 7. Portsmouth. **1365.** Minutes of Council and Assembly of New Hampshire. H.E. (Usher) addressed the Representatives and assured them of H.M. gracious protection and his own efforts for their welfare. *Continues*:—I have visited the garrisons in the several towns, finde some out garrisons weakly mann'd, and will stand in need of help, that the inhabitants may look after their affairs for subsistance. I found H.M. Fort in a bad condition, and not above 2 men in pay, there is great need of more, this Fort being of the greatest concernment of the whole country, and for want of men there hath been such omission as to warding and watching, the enemy might easily have surprized and taken itt. There is great want of powder, arms and ammunition. The Province is much in debt, an account thereof the Treasurer shall lay before you, and not only want of money to pay debts already dew, but

1703.

also a fund to pay daily charges, which may arise. The money raised shall be ready for your examination, how disposed of. If you see cause to address to H.M. for a company of souldjers for H.M. service at the Fort, for powder, arms and ammunition, the same shall be forwarded. Considering the ships will speedily depart for England, and the season of the year, hope you will be speedy in your results.

Letter from Governor Dudley, Nov. 22, 1703, to Col. Romer read.

Col. Romer reported that he was ordered by Governor Dudley to repair Fort William and Mary, and that New Hampshire to that end had allowed 500*l.* in money and 500*l.* in labour, and that they had made some progress in it, but the severity of the winter had obliged them to leave off. And whereas the 500*l.* in money was delivered in all sorts of provisions to the Treasurer according to the Act, but they not being sold for the prices therein mentioned, there was given to the Treasurer by Order of Council 50*l.* abatement. The 500*l.* in labour would soon consume the 450*l.*; they had already consumed upwards of 26*l.*, and had not done full 8*l.* worth of work. It was customary in all parts of the world that when the country allowed any sum of money for labour, that then the subjects did take provisions along with them for 8 or 10 days, according to the distance of their habitations, and then it would be reckoned as money, but it cannot here be reckoned so because that if this daily labour soe proceed, it will soon consume the 450*l.*; therefore the Board may judge that it is impossible to make a magazine for powder and lodgings for 50 or 60 men. Col. Romer further declared that he had a year ago demonstrated to the Duke of Marlborough the state of this Province, and that it was impossible for them to make these fortifications, which his late Majesty was pleased to order. It was now in due season that the Province should implore the Queen for her assistance, and [*he*] requested that the Board desire the Governor and Lt. Gov. for their concurrence. Col. Romer took his leave in order to depart next day for Boston.

George Jeffreys' accounts as Treasurer, 1695, 1696, passed.

Dec. 8. An estimate of this Province's debts, amounting to 450*l.*, was sent up from the Representatives.

Accounts of Joseph Smith, Treasurer, 1696, 1699, passed.

Representatives' reply to H.E. speech sent up:—Wee account it the greatest happiness of the age we live in to be under the Government of so great, good and glorious a Queen. *etc.* As to the frontier garrisons, wee beleive they may be in some danger, but wee are not capable of sustaining the charge of supplying all with souldjers, besides the Committees of Militia in the several towns are impowered by Law to look after these affaires. As to H.M. Fort at Great Island, the Assembly advanced 500*l.* that it might be made more defenceable, and as to men, we suppose the present season of the year will in some measure supply that want, there being on Great Island only the Fort to do duty, and the inhabitants are sufficient to supply men for watching. As for powder, our Agent, Major Wm. Vaughan, was instructed to Address H.M. for a supply, from whom we have yett had noe account. As for the Treasurer's Account(s) we had them lately laid before us by order of H.E., and have continued an Act for laying a duty on lumber *etc.* for another year, which wee hope by the year's end will pay our debts and answer the necessary charges arising the meantime. As to addressing H.M. for a company of souldjers for the Fort, the Governor having been lately among us, and well acquainting himself with the state of the Province, Fort and all things concerning the same, we have prayed H.E. to represent our state and wants at large, and pray H.M. favourable releife, which wee presume is already done, or will be done by these ships.

Ordered that Dec. 29 be sett apart as a Thanksgiving Day throughout this Province for all mercys daily received.

Dec. 9. Capt. Eason ordered to pay 2 barrels of powder for this voyage.

Message sent down :—Whereas there is noe power given in H.M. Commission to execute Martial Law in time of peace upon souldjers in pay by H.M., I therefore recommend to the Assembly, that, if not already done, you prepare an Act for punishing mutiny, desertion and false musters and for the preserving of good discipline amongst souldjers.

It appearing that the Treasurer in 1701 paid Lt. Gov. Partridge per order being voted as part of his disbursements for the Province 100*l*., the Representatives were asked for a particular account of those disbursements, which they said they had not got.

Ordered that Henry Dow, George Jeffrey and Joseph Smith, formerly Treasurers, be allowed 5 p.c. for paying and receiving, their accounts having been approved. [*C.O.* 5, 789. *pp.* 349–358.]

[Dec. 8.] **1366.** List of ships and quantity of tobacco exported from Virginia and Maryland on the fleet that arrived in England Nov., 1703. *Totals :* ships, London 36, Outports, 12=48 ; hhds. of tobacco, London 11,440 ; Outports 3,878=15,318. *Endorsed*, Recd. Read Dec. 8, 1703. 2¼ *pp.* [*C.O.* 5, 1313. *No.* 36 ; *and* 5, 1360. *p.* 438.]

Dec. 8.
Treasury Chambers.
1367. Wm. Lowndes to Mr. Popple. Mr Lord Treasurer desires you to acquaint the Lords Commissioners for Trade that the Commissioners of Customs having laid before him the proceedings of the Court-Martial in Barbados, he hath directed that Mr. Cox should be dismissed from his post. My Lord Treasurer likewise desires you to acquaint their Lorpps. that for the future as any matter relating to the Customs occurs to them, he desires the same may be first transmitted to his Lordship that soe, as is regular, it may be by him transmitted to the Commissioners of the Customes, who are under his Lop.'s direction. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read Dec. 10, 1703. 1 *p.* [*C.O.* 28, 6. *No.* 110 ; *and* 29, 8. *p.* 360.]

Dec. 8. **1368.** Mel. Holder to [? *William Popple*]. Here are merchants have an acct. of 6 French men of war, 28 privateers and several transport and store-ships yt. were at Martinico Oct. 8: it is said further that they were preparing to make a descent upon some of the Leward Islands. *Signed*, Mel. Holder. *Subscribed*, One evil consequence of late convoys is that it is impossible for convoys to keep the merchants ships together by reason of the bad weather, wch. some of the merchants would have mended that clause of the petition, but considering we had not time enough, I intreated them that I might signify it by letter which they desire may be communicated to their Lordships, as also that the guardships mentioned are too few. 1 *p.* [*C.O.* 28, 6. *No.* 109; *and* 29, 8. *p.* 353.]

Dec. 8. London.

1369. New England Merchants to the Council of Trade and Plantations. As to convoys for New England. The French have in those parts seldom less than 2 men of war, 50 guns each, and during the last war the coast of New England much insulted by the enemy, and the New Englanders suffered much thro want of guard ships on their coast; and the traders lost ⅔ of their ships trading between that place and England for want of convoys, besides many others bound thence to the other Plantations with provisions and other necessaries *etc.* The case being now the same, we conceive that it will be necessary that the coast of New England shall be alwaies defended by two men of war of a sufficient force; that 2 men of war depart hence about 20 Feb. to convoy such merchant ships bound thither as shalbe then ready, the number whereof we cannot ascertain; that one of the said shipps, or that which is now there, return for England with such merchant ships as shalbe ready about June 15; that another man of war depart hence about the beginning of Sept., as a second convoy to ships bound to New England, and that the same, or one of the two men of war remaining there, depart thence as a convoy for England about the beginning of Dec.; that the other two men of war being unserviceable in the winter, depart thence about the beginning of Dec. as a convoy to the ships bound for Berbados and the Leeward Islands, and thence to Saltertudos, and return to New England early in the spring. *Signed*, Ste. Mason, Jer. Johnstone, Joseph Pa[ice], John Shippen. *Endorsed*, Recd. Read Dec. 8, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 63; *and* 5, 911. *pp.* 154–156.]

Dec. 8.

1370. William Bridges to William Popple. *Enclosing* answer to letter of Dec. 6. *Signed*, Wm. Bridges. 1 *p.* *Enclosed*,

1370. i. Merchants trading to Barbados to the Council of Trade and Plantations. Two convoys in the year are necessary for the Barbados trade, one to sail the begining of January and the other in April. The first to return from thence the begining of May and the other Aug. 1st. But forasmuch as the last fleet from Barbadoes for want of an early convoy came so lately home that they are not yet all unladen, and that there must be time for refitting and lading, wee humbly desire that the next convoy may be ready Feb. 1st, and that if wee cannot have a second in Aprill, wee may have some speedy intimation thereof, that so we may send out the more commodities for the supply of the Island by ye first convoy. Upon this occasion wee take leave to lay before your Lordships some great discouragements that wee lye under, and unless we can have redress both wee and the Island will be in danger of being ruined. (1) The last year, according to appointment of the Admiralty, wee had ships ready to sayl Feb. 10, and mann'd them at very great expence, and lay from that time till May before wee could have convoy or were permitted to sail, and to compleat our misery after we had mann'd at the charge of 4 or 5*l.* a man, besides very high wages, under the sanction of the Admiralty's protections, the men were press'd from our ships, *etc.* The fears of being so treated again, has hindred severall from setting out ships any more. (2) There was a very considerable fleet of ships loaden at Barbadoes in May last which were detained untill the fleet which saild from hence in May arrived there and were laden, which was not till Aug., so that the bottoms of many of the ships of the fleet which were laden in May were much prejudiced by worms, and by that means severall of them foundred in their return home. (3) The last fleet from Barbados was not permitted to sail directly home as has been ever accustomed, but were forced to accompany the convoy to the Leeward Islands about the hurricane time, to the great hazard of their ships amongst those Islands, and also by being exposed to the enemy's privateers from Martinico, and were there detained untill the ships laden at the Leeward Islands were ready, which was so great a hazard and damage, that wee cannot think it fitt for us any more to adventure our ships and goods in like manner. (4) When that fleet came in sight of England, where the great danger of meeting the enemies' ships is, the Commodore of the convoy, which was the biggest rate and best ship, in pursuance of his orders as he pretended, left about 100 saile of the greatest and richest ships to convoy about eleven small ships for Bristoll, by which means severall of the said 100 saile were taken off Scilly Island the same day and the day following. All our advices agree, that the enemy's privateers of Martinicoe are very numerous and have taken so many ships from Guinea with negroes and ships with provisions from England, Ireland and other parts off Barbadoes, that has ruin'd many Merchants and disabled the Planters from carrying on their works for want of strength and food, and subsisted the French and much enriched them by enabling them to supply the Spaniards with a very great number of negroes. To prevent this, it is necessary that there be two small frigats and a fourth rate ship of war that are very good sailers to attend that Island. *Signed*, Pat. Mein, Mel. Holder *and* 15 *others*. *Endorsed*, Recd. Read Dec. 8, 1703. 3 *pp*. [*C.O.* 28, 6. *Nos.* 108, 108.i.; *and* 29, 8. *pp.* 353–358.]

Dec. 9. St. James's. **1371.** Order of Queen in Council. Referring the accounts of John Bridger to the Council of Trade and Plantations. [*See Acts of Privy Council, II, No.* 908.] *Signed*, John Povey. *Endorsed*, Recd. 14th, Read 29th, 1703. 1 *p*. *Enclosed*,

1371. i. Copy of Report of the Admiralty upon Bridger's Petition. Dec. 2, 1703. 1½ *pp*.

1371. ii. Abstract of Mr. Bridger's disbursements upon journeys in New England, 1696–1701. 1 *p*.

1371. iii. Copy of the Observations of the Navy Board upon Bridger's Accounts, which they do not consider themselves able to allow of, from want of proper vouchers. 6 *pp*.

1371. iv. Copy of Abstract of Accounts of John Bridger, etc. 3 *pp*. [*C.O.* 5. 863. *Nos.* 64, 64.i.–iv.; *and* (*without enclosures*) 5, 911. *pp.* 161, 162.]

Dec. 9. Whitehall. **1372.** Journal of Council of Trade and Plantations. The several Memorials relating to convoys considered. Upon some doubt on that from the Virginia Merchants, ordered that Mr. Perry have notice to explain the same to-morrow.

Ordered that the New York Merchants have notice to bring their Memorial in writing, as promised Nov. 22.

Mr. Cox, lately arrived from New York and Virginia, delivered to the Board a box containing several papers from the Lord Cornbury, which their Lordships ordered to be abstracted and laid before them as soon as may be.

Dec. 10. Letter from Mr. Lowndes, Dec. 8, read.

Mr. Byfeild presented a Memorial of the Pennsylvania Co.

Mr. Perry with other Virginia merchants attending, acquainted the Board that they knew of no ships that designed to go with the convoy they desired, yet considering the fleet now in Virginia will be one of the richest that ever came from thence, they could not desire less than 3 men of war to sail from hence, so as to be able to return by the last of April, because one of those ships must be left as a guard to the country, and then the other 2, with the 2 already there, will be little enough to take care of so large a Fleet as that will be, which will consist of between 150 and 200 sail.

Letter from John Moor, Sept. 17, read.

Dec. 11. Report upon convoys considered, and finding some defects in the merchants' memorials, their Lordships ordered that a letter be writ to the Barbadoes Agents for the number and rates of ships they desire for a convoy, and the time they should sail; and to the Agents of the Leeward and Jamaica, to enquire what

1703.

number and rates of ships they desire may be appointed for guardships for those Islands.

Similar enquiry ordered of Mr. Lodwick, as to number and rates of ships desired for New York. Replies to be made on Monday.

Letter to Lord Nottingham, enclosing copy of Mr. Moor's letter, signed.

Progress made in Report to the House of Lords. [*C.O.* 391, 16. *pp.* 314–319; *and* 391, 97. *pp.* 765–774.]

Dec. 9. **1373.** Minutes of Council [*in Assembly*] of Bermuda. The Assembly appeared and for some reasons H.E. dissolved them. [*C.O.* 40, 2. *p.* 57.]

Dec. 9. **1374.** Journal of Assembly of New Jersey. Bill for regulating the purchasing of lands from the Indians, agreed to by the Council, was sent down with some amendments.

Dec. 10. Above amendments agreed to and sent up, with one further amendment.

Dec. 11. Bill for ascertaining Representatives' fees sent down agreed to with amendments. [*C.O.* 5, 1019. *pp.* 487, 488.]

Dec. 9. **1375.** Vice-Admiral Graydon to [? Mr. Burchet]. The heads of enquiry to be made at Newfoundland did not come to my hands till Sept. 29, a hundred leagues E. of Newfoundland, and the convoy being to sayle to Portugall the beginning of Oct., there was not any time for said enquirys to be made. They ought to have been sent out in the beginning of the year, *etc.* *Signed,* Jo. Graydon. *Copy.* 1 *p.* [*C.O.* 194, 3. *No.* 7; *and* 195, 3. *pp.* 287, 288.]

Dec. 10. Admiralty Office. **1376.** J. Burchett to Mr. Popple. *Enclosing* preceding. *Signed,* J. Burchett. *Endorsed,* Recd. Dec. 11, 1703, Read March 21, 170¾. ½ *p.* [*C.O.* 194, 3. *No.* 9; *and* 195, 3. *p.* 287.]

Dec. 10. **1377.** Pennsylvania Company to the Council of Trade and Plantations. For the security of the trade and Colony of South Carolina, it will be necessary that H.M. send a frigate to ride there and to convoy thence to Virginia such ships as shall be ready to sail thence timely enough to reach the Virginia Fleet in order to come home with that convoy, and then for ye frigate to return to Carolina for the guard of the coast, and we being informed that Ashley River in Carolina is a barred place and that the frigate must not draw above 12*ft.* water to go over the bar, but when she is over there is as good rydeing as in ye Thames, and without the barr as good as the Downes, we humbly conceive it most proper to send such a frygate as draws the least water, yet of good force. There is about 8 legues from Charles Town a place called Port Royal, where a larger frigate may

1703.

ride with safety, which is deep water and not barred. The late expedition to St. Augustin hath so farr wasted their ammunition that the country was in great want, and the Law here prohibiting powder to be shipt from hence for foreign parts when it exceeds the price of 5*l*. per barrel, the merchants trading thither where frustrated from sending a supply by their last ship. Therefore it is humbly desired that H.M. would be gratiously pleased to take such care of the preservation of the Colony and trade as to her princely wisdom seems meet. As for New York, Mr. John Thrale, Agent of that Colony, and other Merchants we understand are concerned in that Port already, wherefore we humbly crave leave to decline. *Endorsed*, Recd. Read Dec. 10, 1703. 1½ *pp*. [*C.O.* 5, 1262. *No*. 58.]

Dec. 10. Treasury Chambers. **1378.** Mr. Lowndes to Mr. Popple. My Lord Treasurer desires you to lay enclosed before the Lords Commissioners for Trade, and desires they will signify to him if upon this further acct. they continue their opinion for dismissing Mr. Cox or have any objection against his being restored. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 11th, Read Dec. 13, 1703. *Addressed*. 1 *p*. *Enclosed*,

1378. i. Richd. Savage to Wm. Lowndes. Customhouse, London, Dec. 9, 1703. Enclosing following Memorial to be laid before the Lord High Treasurer. The Commissioners of Customs confirm Mr. Mein's character of Mr. Cox as a very good officer. *Signed*, Rich. Savage. *Addressed*. 1 *p*.

1378. ii. Patrick Mein (formerly employed as Surveyor General of Customs in America) to the Commissioners of Customs. Dec. 9, 1703. I was at Barbados and a Member of Council at the time of the Court Martial concerning Mr. Cox. What Cox did was not taken notice of by the Government there as any fault in him, and might have been done by any Member of Council without ill intention, it having been usual for the persons sent with Flags of Truce betwixt Barbados and Martinico to go on shoar in both places without waiting for leave to do so. Nor did I ever hear of any such thing called in question before, for as they of Martinico have constantly treated the persons sent with that character from us with great civility and respect, so we in Barbados have always made the like returns *etc*. Mr. Cox is a very good officer, as any I found in those parts. *Signed*, Pat. Mein. 1¼ *pp*. [*C.O.* 28, 7. *Nos*. 9, 9.i., ii.; *and* 29, 8. *pp*. 361–366.]

Dec. 10. Crotchett Fryers. **1379.** Mr. Merrett to Mr. Popple. *Enclosing following*. *Signed*, Solomon Merrett. ¾ *p*. *Enclosed*,

March 21. 1379. i. An account of the Fishery of Newfoundland for 1703.

1703.

At Bonavista that Bay vizt.	*Men.*	*Boats.*	*Quintalls Fish.*	*Tons Oyle.*	*Fishing ships and boats.*	
					Ship.	*Boat.*
Greens Pond	40	6	1,800	6	1	1
Salvage	13	2	300	1½		
Barrow Harbour	11	2	300	1½		
Keels	11	5	1,400	5		
Bonavista	200	30	10,500	45		
Baily's Cove	42	7	2,400	10		
Green Island	24	4	1,600	8		
Salmon Cove	24	4	2,400	10	1	1
Trinity Harbour	18	3	1,000	5		
English Harbour	24	4	800	4		
Silly Cove	30	5	1,500	7		
New Perlican	72	12	3,600	15		
Old Perlican	108	18	6,300	28		
Bay de verds	42	7	2,100	9		
Carboneer	60	10	2,500	9	1	1
Harbour Grace Bay Roberts Harbour Maine	60	10	2,500	8		
Portugal Cove	24	4	1,600	8		
Torbay	12	2	600	3		
Quidi vidi	48	12	3,600	15		
St. Johns	300	47	14,100	60	18	37
Petty Harbour	16	3	900	4	1	2
Bay Bulls	12	2	700	5		
Witles Bay	6	1	300	1½		
Ferryland and severall small Harbours	72	12	3,600	14	1	2
Ranews and Fermouse	12	2	600	3		
	1,281	214	67,000*	285½*	23	44
			8,000†	15†		
			75,000	300½		

* *Taken from the Inhabitants.*

† *Taken from 23 Fish-ships.*

40 saile of ships computed to carry quintalls 1,800 one with another, is 72,000 quintalls; 6 sailes to England with oyle of which one is taken. *Signed*, Solomon Merrett. *Endorsed*, Recd. Dec. 10, 1703. Read March 21, 170¾. 1 *p.* [*C.O.* 194, 3. *Nos.* 8, 8.i.; *and* 195, 3. *pp.* 284–286.]

Dec. 10. **1380.** Certificate from Cha. Noden, that on Sept. 30, 1701, he shipped to Lt. Gov. Bennett 36 gallons of brandy, 31 gall. of claret, and 33 gallons of white wine. *Signed*, Cha. Noden. *Endorsed*, Recd. Dec. 17, 1703. Read June 1, 1704. ½ *p.* [*C.O.* 37, 6. *No.* 8.]

1703.
Dec. 10. **1381.** Newfoundland Merchants to the Council of Trade and Plantations. *Enclose letters* received yesterday from St. Johns, Newfoundland. Wee also pray your Lordships to take into your consideration. the deplorable condition the inhabitants and our Estates there are in, and to represent to H.M. the danger of losing that country, unless a sufficient force be sent early thither to prevent the ruin of it by the French, whose intentions we have good reason to fear, as that Fishery is of so great advantage in breeding up seamen to us as well as to them. We again offer the Officers interfering with trade is a very great discouragement to the trade and fishery, and also to the soldiers there, who last winter have been forbid to buy bread of our Factors, and they also have been ordered not to sell to the souldiers althô they would have sold them at halfe ye price. *Pray*, that the Officers may have strict orders not to hinder or threaten us, or the inhabitants, or molest them in their buisness, but that they may freely trade in Newfoundland, as in the other Dominions of H.M. *etc.* *Signed*, Solomon Merrett, Simon Cole, John Jackson, John Voysey, Wm. Brooke, Samll. Weston, Wm. Smirkey. *Endorsed*, Recd. Dec. 10, 1703. Read March 31, 1704. 1 *p.* *Enclosed*.

1381. i. Letter from John Roope referred to in preceding. We are like to have a long and tedious winter. I were going to Bonavista for timber for the boome, but now have gotten intelligence that there is enough to be had in those parts, so hope to perfect so as at first conserted; as [*to*] Admirall Graydon's miscarriages, cannot yet learn ye true cause, but my thoughts are that if the soldiers had come directly and not from the West Indies, it would have been better, and that if the Officers of the Ships of Warr had been better acquainted with the nature of this country, for when about ten leagues from the shore it is very foggy; near the shore, it is very often clear weather, but makes those that are not well acquainted fear to come near the coast, and the poor men that were a board as pilots, not being used to the haughty carriages of the Navy Captains were so seared at their words that they had not sence enough left them to make use of their sentiments, etc. *Repeats contents of his other letters.* *Signed*, John Roope, Nov. 6 and 10. [*C.O.* 194, 3. *No.* 10, 10.i.: *and* 195, 3. *pp.* 275–280.]

Dec. 10. **1382.** Minutes of Council and Assembly of New Hampshire. In reply to H.E. message, Dec. 9, the Representatives returned answer that the Military Laws are sufficient to punish offenders according to the discretion of the Committees of Militia.

Dec. 11. The Representatives, asked if they had anything to offer, said not. Summoned to attend, the Lt. Gov. addressed them. In your reply (Dec. 8) you say there are Acts for duties laid which will answer the necessary charges. Those Acts are given for other ends, not for defence etc., [*and I*] judge will not answer

1703.

those ends. I laid before you that the Province was in debt above 450*l*.. and daily charges doth arise, that there was absolute need of souldjers at H.M. Fort and some of the frontier garrisons; if either suffer by want of supplyes, I have quitted myselfe. There have been in Major Vaughan's and his successors' time paid to Mr. Partridge 867*l*. 2*s*. 6*d*. for which there is noe account of perticulars of disbursements, and that ought not to be allowed. As to the 300*l*. paid your Agent, he has not given any acct. of his proceedings in England. I have not onely been informed of the condition of the Province, but have visited itt, and seen the condition thereof, and I doubt not but the Governour hath truely represented the same, and I shall by these mast shipps second it likewise to H.M. In the meantime I shall take care of H.M. Fort as shall judge proper. You are dissolved. [*C.O.* 5, 789. *pp.* 358, 359.]

Dec. 11. Whitehall. **1383.** Council of Trade and Plantations to the Earl of Nottingham. Having recd. a letter from Mr. Moor, H.M. Advocate General of Pennsylvania, that Providence, the chief of the Bahama Islands, has been burnt and destroyed by the French and Spaniards, and the people all put to the sword or carryed off, which danger we have always been apprehensive of, and frequently represented, and what would in its consequence be very prejudicial to our Trade and Navigation, we send a copy of the said letter to your Lordship to be laid before H.M. And whereas it does not appear that the enemy after having destroyed the place are as yet settled there, we have reason to think they are gone to the Havana to prepare things necessary for their future settlement upon this and other the Bahama Islands, which will endanger all our ships in their passage thrô the Gulph of Florida. *Signed*, Weymouth, Ph. Meadows, Robt. Cecill. Wm. Blathwayt, Jon. Pollexfen, Mat. Prior. *P.S.*—We have reason to fear the same attempt upon Carolina, unless speedy care be taken therein. 1 *p.* *Enclosed*,

1383. i. Copy of Letter from Mr. Moore referred to in preceding. 2 *pp.* [*C.O.* 5, 3. *Nos.* 9, 9.i.; *and* 5, 1290. *pp.* 401, 402.

Dec. 13. Whitehall. **1384.** Journal of Council of Trade and Plantations. Col. Thomas and Mr. Cary attending, said they should have 20 or 30 merchant-ships ready to go out with the convoy they had desired; as for ships to remain as guards to the Leeward Islands, they thought there could not be less than one 4th rate and 3 smal frigats between 30 and 40 guns: but upon their Lordships representing to them the difficulty of obtaining so many, they said they would be thankful for one fourth-rate and two sixth rates. Mr. Bridges represented that the Barbadoes merchants were all of opinion that if there was to be but one convoy in the year, it was necessary it should consist of two fourths, one fifth and one sixth rate men of war; but upon further discourse with their Lordships, he consented to abate one; so their Lordships agreed to report to H.R.H. one fourth and two fifth rates as

1703.

necessary. He added that the time of the said convoy's return might be fixed for June 1st.

Letter from Mr. Lowndes, Dec. 10, read; and Mr. Cox's brother attending and offering some things in excuse of his brother's conduct therein referred to, and praying for a favourable Report, he was desired to procure a copy of the first presentment of the Commissioners of the Customs to the Lord High Treasurer, upon which his brother had been dismissed from his place; as also to bring Mr. Patric Mien to the Board.

Dec. 11. Memorial from the New York merchants read.

Sir B. Gracedieu etc. presented a memorial relating to guardships for Jamaica, which was read.

Report to H.R.H. relating to convoys agreed upon.

Dec. 15. Letter to Mr. Lowndes ordered and sent.

Above Report signed and sent in a letter to Mr. Burchet. [*C.O.* 391, 16. *pp.* 320–324; *and* 391, 97. *pp.* 777–785.]

Dec. 13. Boston. **1385.** Minutes of Council of the Massachusetts Bay. Paper sent up by the Representatives immediately before their riseing, after a message sent them to come up in order to a Prorogation, read. As to the articles [*see Minutes of Council in Assembly, Dec.* 2] referring to the fortifications of Castle Island and Casco, they were referred to Col. Romer to answer. Thomas Povey, Commander of the Castle, said that there being now a conveniency of lodging for ye Chaplain, he is resident: and care is taken to restrain the selling of strong drink, and when any is found, it's taken away. As to reducing the garrison, H.E. said he would make the charge as easy for the Province as might be consistent with H.M. honour and the safety of the place. As to the desisting of a winter's march, he ordered the intimation of a General Council on 23rd to advise of that matter, and in the meantime would write to the Colonel and principal officers of the Militia for their opinion, and to see if any number of voluntiers will offer for that service upon the last proposal of the General Assembly for encouragement. As to Major Cutler and Major Turfrey, at the first setting of a Court Martial inquiry should be made. Thomas Povey said that Battisse is kept in the same place where he has always been, and that there was a soldier of the garrison he thought fit to be appointed armourer.

H.E. acquainted the Council that offer had been made him from Connecticot of marching the friend Mohegin Indians under the conduct of proper English officers into the Eastern parts, and to live there all the summer upon the encouragement proposed by the Assembly, and being allowed subsistance. Advised that they be improved accordingly.

Various salaries paid.

50*l.* paid to Lt. Col. John March for the brave defence which by his conduct was made of H.M. Fort at Casco Bay when lately attackt by the French and Indians, and in consideration of the wounds and damage that he then received.

1703.

10*l*. paid to Joseph Beane, and 5*l*. to Thomas Hapgood of Marlborough, as souldiers wounded in H.M. service, for smart money.

2*l*. paid to Samuel Marion for several years' beating a drum at the publishing Laws and Proclamations.

18*l*. 6*s*. paid to Joseph Allen for printing credit Bills.

Warrant issued to impower the Treasurer to issue 10,000*l*. credit bills according to the resolve of the Representatives.

5*l*. paid to John Fisher for inspecting the Indians at Natick, Aug.–Nov.

12*l*. 10*s*. paid to Thomas Fitch, Upholder, for furniture for the chamber of Col. Povey at Castle Island.

167*l*. 18*s*. 6*d*. paid to Lt. Col. Partridge for wages *etc.* of souldiers employed in H.M. service within the county of Hampshire, and parties sent out after the enemy and billeting of soldiers sent from Conecticot *etc.* [*C.O.* 5, 789. *pp.* 549–552.]

Dec. 13. **1386.** Journal of Assembly of New Jersey. Bill for ascertaining Representatives' fees, with amendments of the Council, considered, and ordered to lay upon the table for ye perusal of the Members.

Address to H.M. "rendring her our most hearty thanks for her great care and goodnes in taking us under her immediate administration," ordered to be prepared.

H.E. summoned the Representatives to attend, and signed the Bill for regulating the purchasing of land from the Indians. He directed the Clerk to enter into the Journal of the House H.M. Orders about Governors' presents (April 20). He then Addressed the Council and Assembly:—The season of the year being so far advanced makes it absolutely necessary to put an end to this sessions for ye present. I could have wished we could have dispatcht ye several Bills before us, but ye matters contained in them were of so great moment, ye difficulties so many, and the time so short, that it was impossible to finish what I so much desired. However, this benefit I hope we shall receive from this sessions, that, being acquainted with the nature of those difficultys, we shall come prepared in the spring to remove them, that such good laws as may effectually settle ye rights of ye General Proprietors and fully secure every man's estate may be provided, these being points which will most conduce to ye peace and welfare of this Colony. I earnestly recommend it to you to employ your thoughts seriously to find out ye most effectual ways to attain those desirable ends, and to think of what other Laws may be necessary for ye good Government of this Province, in wch. you shall always find me ready to consent to all such things as shall be for ye good of the whole. Then H.E. adjourned the Assembly to May 18 at Burlington. [*C.O.* 5, 1019. *pp.* 488–490.]

[Dec. 14.] **1387.** Sir B. Gracedieu and others to the Council of Trade and Plantations. The last advices we have from Jamaica do represent the great danger they apprehend themselves in from ye French and Spaniards, and request their friends here to petition

H.M. for 10 or 12 men of war to be a guard for the Island. There is advice from Plimouth by an English doctor that was taken prisoner in the West Indies and carried to Martinico, who was coming from thence to Old France in a ship that was forced into Plimouth, that before he left Martinico there was arrived six French men of war with several other ships, which we fear are to joyn ye quotas of French and Spaniards, wch. they write from Jamaica they had advice were appointed to invade the Island by ye first convenient opportunity. *Signed*, Bartho. Gracedieu, Edmund Edlyne, James Whitchurch. *Endorsed*, Recd. Read Dec. 14, 1703. 1 *p.* [*C.O.* 137, 6. *No.* 31 ; *and* 138, 11. *pp.* 89, 90.]

Dec. 14. **1388.** Merchants trading to New Yorke to the Council of Trade and Plantations. *Return thanks* for the particular regard your Lordships incline to take for the security of the trade to and from the province of New York, which has of late mett with vast losses, occasioned chiefly by the want and disappointments of convoys. We humbly offer our opinion how the like losses may be prevented for the future. For the convoy of those ships that are now bound from hence thither, a fourth rate man of war to be ready by the middle of Feb. next will be sufficient. And if your Lordships will vouchsafe to let such man of war convoy the ships from thence back again, we believe the middle of July will be a proper time to sail from New Yorke, thô we conceive it would be better to leave this point to the Governor and Councill there, who being on the spott can direct therein what is most conducive to H.M. interest, and the security and conveniency of the Merchants. As for ships of warr to guard the Port and coast of New Yorke, less than two fifth rates will not be sufficient ; by reason it lys alltogether on New Yorke to guard and secure the coasts southward as far as the Capes of Dellaware, and eastward as far as Block, and Road Island. And if only one man of warr be imployed in that service, the enemy's privateers may commit a great deal of spoile one way, whilst the man of warr cruizes the other. If two frigats are there, one of them might be spar'd to convoy such vessells as frequently carry provisions to the Carribbee and other Islands, so far in the main ocean as that they are free from danger on the coast. And in winter time (during which ships of war are not absolutely necessary to remain there) one of these friggats might be spared to convoy vessells with provisions to the said islands as should then be ready and bound thither, and returne back with them early in the spring. And by these measures we humbly conceive the navigation of New York, as well for England as for the West Indies, would in a great measure be secured. 14 *Signatures. Endorsed*, Recd. Read Dec. 14, 1703. 2 *pp.* [*C.O.* 5, 1048. *No.* 70 ; *and* 5, 1120. *pp.* 27–29.]

Dec. 15.
Whitehall. **1389.** W. Popple to Josiah Burchet. *Encloses* Report of the Council of Trade and Plantations relating to Convoys to be laid before H.R.H. [*See* Nov. 13.] *Annexed*,

1389. i. Ships of war desired for the Plantations.

Convoys.

Plantations.	*Convoys Frigates.*	*Time of sailing.*	*Time of return.*	*Guard ships.*
N. England	2 1	Feb. 20 Sep. 1	June 15, 1704 Dec. 1, 1704	2 Frigats, which in the winter may convoy the Trade to the Southern Islands.
New York	1 fourth rate	Feb. 15	July 15, 1704	2 fifth rate.
Virginia and Maryland	3 fourth rates to joyn the 2 already there	Jan. 10	April 30, 1704	1 of these to remain.
Carolina	1 sixth rate	Jan. 1	The Merchts. ships to return with the Virginia Convoy	The same ship to remain there.
Barbadoes	2 fourth 1 fifth 1 sixth rates	Feb. 1	June 1, 1704	2 small Frigats and 1 fourth rate.
Leeward Islands	3	Feb. 1	To stay 60 days	1 fourth rate and 2 sixth rate.
Jamaica	4	Jan. 1	June 1, 1704	10 or 12 Frigats.
Newfoundland	2 or more for the South Channel 1 for the North Channel	Jan. 1	At ye usual times.	

1389. ii. The Council of Trade and Plantations to H.R.H. Prince George of Denmark. In pursuance of your Royal Highness's desire, we humbly offer, that it necessarily required some time to send to and discourse with the several merchants and persons concerned in the trade of H.M. Plantations. *Summarise* reports of merchants trading to New England and New York (Dec. 8, 14), Virginia and Maryland (Nov. 22), Carolina (Dec. 10), Barbados (Dec. 8), Leeward Islands (Nov. 26), Jamaica (Nov. 27), Newfoundland (Nov. 29). *Continues :* In our discourse with the several Merchants we have endeavoured all we can to persuade them to be satisfyed with the least number of ships for the respective services ; but we find them so discouraged by the losses they have lately sustained that many of them seem resolved to desist from trade unless they may be secured by a competent number of convoys and guard ships. To which we have only to add what we have formerly represented to H.M. that besides the convoys to and from England and the respective Plantations, there being a great intercourse of Trade between the Northern and Southern Colonies as well for provisions as returns for the same, two convoys in the year may be appointed for that Trade, of two ships each at the least ; the first convoy to be appointed to sail from England in Feb., so as to be ready at New York or other neighbouring Plantation within the month of April, to convoy the shipping of those Plantations, which shall be ready to sail at that time to the Southward ; and the latter convoy to sail from the same parts by Dec. 1 every year, which may be made up of such guard-ships as shall be appointed for New Yorke, those ships as we formerly have reported being useless there in the winter season; and that the times when each of these convoys shall be appointed to sail be signified to the several Governours of the Northern Plantations to be by them made known to whom it may concern; that the shipping may accordingly be ready to meet them in their passage to the Southward, the Commodores having in their sailings regard thereunto, which we judge very necessary for H.M. Service, for that by want of such convoys H.M. Islands are in a great measure rendred destitute of provisions, and the French who are not furnished from Europe thereby largely supplyed, we having certain information that 70 ships belonging to H.M. subjects, most of them laden with provisions, have been in the space of 12 months last past carried into Martinico. And whereas we have often represented upon complaints from the Plantations of the irregular and disorderly pressing of seamen, and particularly at Jamaica, whereby those Plantations were not only deprived of their necessary subsistance and trade by frightning away the people, but will become desolate by the terrifying of others from settling there, which obliges them to resort to the Proprieties, to the great prejudice of H.M. interest and indangering of those Plantations in this time of war, we repeat that, for preventing the necessity which is alledged for pressing of seamen for the navigating H.M. Ships of Warr in cases of exigency, supernumerary seamen, or at least the highest complement may be sent on board those ships designed for those services, and especially to Jamaica, and that for the better preserving the health of the seamen they may be constantly supplyed with fresh provisions while in the Plantations, which may be easily procured from the Northern Colonies by such timely directions as may be given in that behalf. *Reports of Merchants annexed. Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 324, 8. *pp.* 293–308.]

Dec. 16. Whitehall. **1390.** Council of Trade and Plantations to the House of Lords. Report on Trade since Nov. 7, 1702, and the transactions of the Board therein, and concerning the Government of the Plantations *etc. See* Nov. 22, and *House of Lords MSS.*, *New Series*, *vol.* v. *pp.* 311–332. *Signed*, Weymouth, Dartmouth, Robt. Cecill, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Mat. Prior. [*C.O.* 412, 549. *pp.* 69–169; *and* 389, 18. *pp.* 60–154.]

Dec. 16. Whitehall. **1391.** Journal of Council of Trade and Plantations. Mr. Cox of Southwark, and Mr. Mein, Surveyor General of the Customs in

1703.

H.M. Southern Plantations in America, attending, letters from Mr. Lowndes, Mr. Savage and Mr. Mein were read. Their Lordships acquainted them with several passages in the minutes of the Council of Barbadoes relating to Flaggs of Truce from Martinico, and represented the inconveniencies that may arise thereby. Upon which Mr. Mein replied that the sending and receiving such flags of truce has been long complained of, but nevertheless constantly practised in that Island; and that both in Barbadoes and Martinico those that came along with such Flaggs of Truce do usually on both sides come on shoar without staying for leave. He believes Mr. Cox was innocent in the business of the Flagg of Truce for which he has been blamed, and that there was never any quantity of French wines (not 50 hhds.) brought to Barbadoes in that manner. Their Lordships desired him to lay before them in writing his observations in relation to Flaggs of Truce, and an abstract of his Surveys in relation to Trade in all the Southern Plantations, with whatever he may judge fit to be done for its encouragement, which he promised to do. Directions were given for an answer to Mr. Lowndes' letter, Dec. 10.

Report to the House of Lords upon the Trade of the Kingdom signed, and ordered to be sent to the Earl of Nottingham for H.M. pleasure therein.

Dec. 17. Letter to Mr. Lowndes agreed upon and sent.

Order of Council, Nov. 18, and other papers relating to Prizes considered.

Ordered that Mr. Wharters attend on Monday.

Ordered that Mr. Attorney General be desired to dispatch his answer to what was writ to him Dec. 2, relating to Rhode Island, and that in order thereunto the copy of the Charter of that Colony, as bound up in the books of this Office, be communicated to him.

Letter from Mr. Sansom laid before the Board.

Dec. 18. Order of Council, Dec. 17, relating to a Bill lately transmitted from Ireland *for the encouragement of hempen and flaxen manufactures*, read. Letter to Mr. Lowndes ordered, desiring an account of what quantities of East India Linnen of all sorts, and of what value, have been shipt off from London and the outports to the Plantations in 1702, and of European linnen of all sorts in like manner. [*C.O.* 391, 16. *pp.* 325–330; *and* 391, 97. *pp.* 789–797.]

Dec. 17. Whitehall. **1392.** William Popple to Wm. Lowndes. In reply to yours of Dec. 10, the Council of Trade and Plantations acquaint you that they transmitted to the Commissioners of the Customs the informations concerning Mr. Cox, in regard that he was an officer under their inspection, but did not give any opinion that he should be removed from his employment. Their Lordships have heard Mr. Mein and understand by him, that it has been a frequent practice at Barbadoes to suffer persons coming with a flag of truce to land in the same manner as was done on the occasion for wch. Mr. Cox was questioned. They have nothing to object against his being restored, but are of opinion that this practice is of evill consequence, and are therefore preparing a report to H.M., that for the future no persons be allowed to come on shoar under the shelter of a flag of truce without previous leave obtained from the Governour and inspection made by the proper officers that such ships bring no French commodities. [*C.O.* 29, 8. *pp.* 367, 368.]

Dec. 17. **1393.** Minutes of Council of Jamaica. The Governor acquainted the Board that he had intellegence of French friggotts now lately come to Hispaniola from France with six merchant ships since our last advices, and required the opinion of the Board whether it would be best to continue our friggotts in their stations already appointed about the Island, or order them together; the Council unanimously advised that they should all join to windward and there cruize together off the Eastward end of the Island till further intellegence, least being singly attackt they may be overpowered, which may prove of fatal consequence; and they advised that whereas the sloop St. Anthonio is found very unfitt for service, a good sayling sloop, capable to carry six gunns att least, bee imprest to relieve her. Ordered accordingly. [*C.O.* 140, 6. *pp.* 201; *and* 209, 210.]

Dec. 18.
New York. **1394.** Governor Lord Cornbury to the Council of Trade and Plantations. Being just now returned from New Jersey and finding *a ship about to sail*, these few lines *are* to acquaint you that the Assembly of New Jersey have sat four weeks and some days, they had prepared some Bills, but the season has been soe severe that I was forced to adjourn them till May next, at which time I shall meet them at Burlington. I hope they will then prepare such Bills as will be agreable to H.M. commands in my Instructions, which I shall endeavour punctually to observe; if this ship stays any little time longer, I shall send your Lordshipps an account of all our proceedings in New Jersey, which is now preparing. *Refers to enclosure. Signed*, Cornbury. *Endorsed*, Recd. Read May 2, 1704. *Holograph.* 1 *p. Enclosed.*

1394. i. Memorandum of Acct. of Revenue of New York, July 31—Sept. 29, 1703. ¼ *p.* [*C.O.* 5, 1048. *Nos.* 71, 71.i.; *and* 5, 1120. *pp.* 102, 103.]

Dec. 18.
Whitehall. **1395.** Robert Livingstone to the Council of Trade and Plantations. Pursuant to your Lordships' commands, Petitioner addressed himself to my Lord of London for missionaries to be sent among the Indians for their conversion, who advised him to apply to the Society for Propogating the Gospell in forreign Parts. He pray'd them to send six Ministers, that is, one to each of the five Nations, and one to the River Indians, and that each Minister might have a couple of youths who would soon learn the language, and be able to minister to them, and that there might be houses built for the Ministers and a chappel at each castle, stockadoed round, which by computation may cost 60*l.* or 70 a peice, and that said Ministers might be furnished yearly

with some small presents to the value of 10*l.* to give to the Indians, and that the minister of Albany might be considered for ye Pains he has taken with the said Indians. The Society have found out two very good men for that purpose; 100*l.* sterling per annum will be allowed to each of them, and 20*l.* a peice towards buying utensills for them; but Petitioner is directed by the Archbishop, and the rest of the Society to acquaint your Lordships, that thô they think it absolutely necessary for their better accomodation, that there should be smal houses built for them among the Indians, and that they should each of them have a servant to attend them, yet the Society, which has already made such large efforts with an income so very small, entirely precarious and voluntary, do beg your Lordships to lay the matter before H.M. since this affair is partly civill, and regards the State so far at least as the said Missionaries may contribute to secure those wavering people to the interests of the Crown of England and keep them from falling off to the neighbouring French of Canada. Your Lordships are therefore humbly pray'd that you will be pleased to represent it so to H.M., who, no doubt, when she is well informed will contribute the remainder and whatever else will be needfull for the accomplishing so good a work. *Signed,* Robt. Livingston. *Endorsed,* Recd. Dec. 18, 1703. Read Feb. 25, 170$\frac{3}{4}$. *Holograph.* 2 *pp.* [*C.O.* 5, 1048. *No.* 73; *and* 5, 1120. *pp.* 82–84.]

Dec. 18. Neehawaneck. **1396.** J. Plaisted to the Council of Trade and Plantations. *Acknowledges* their Lordships' favour in their directions to Gov. Dudley to order his support in the office of Deputy Surveyor of H.M. Forests. I have carefully prevented any waste. Capt. Eason is now loaden with very fair masts. Col. Dudley has been all this year since the troubles with the Indians broke out so careful as to lodge one or two foot companies with me to secure my labourers and teams, without which the buisnesse would have been lost, and the same care I hope for this winter from him, that I may be ready for the returne of the ships in the spring. *Signed,* J. Plaisted. *Endorsed,* Recd. April 29, Read May 23, 1704. 1 *p.* [*C.O.* 5, 863. *No.* 65; *and* 5, 911. *pp.* 326, 327.]

Dec. 18. Whitehall. **1397.** William Popple, jr., to W. Lowndes. H.M. having referred to the consideration of the Council of Trade and Plantations a Bill lately transmitted from Ireland for encouraging the hempen and flaxen manufactures, and their Lordships being pressed to make a report thereupon with all speed, desire accounts of East India Linnen and of European linnen of all sorts shipped to the Plantations, 1702. [*C.O.* 389, 18. *pp.* 155, 156; *and* 412, 549. *p.* 170.]

Dec. 19. Boston. **1398.** Governor Dudley to the Council of Trade and Plantations. This is by H.M.S. *Centurion* that brings home Eason, one of the Mast men, the other mast ship that came in company with her is not yet heard of, and was the only ship of

1703.

that fleet of 12 that is not safely arrived. I communicated H.M. Letters, relating to Pemaquid and Governours' salaries, to the Assembly, Oct. 27, and for a moneth's time used all possible methods and arguments with them on H.M. and their owne behalfe, but find it impossible to move this sort of men that love not the Crowne and Government of England to any manner of obedience *etc.* So farre they have strengthened themselves by turning out foure or five loyall Gentlemen the last election of the Council, that after all the Council's former votes for the rebuilding of Pemaquid, I could not obtain their vote at this Session, which might have shewed theyr obedience, although without the Representatives' grant of the money, it would have done nothing. And alike is theyr resolution in the buisness of salaryes, they will not set a salary for one year for theyr Governour nor any else, nor for the Judges, but at the year's end give them 50*l.* each; insomuch that Mr. Addington, the Chief Justice, hath layd downe, and one other hath solicited me to leave his place also, and then I shall obtain no consent of the Council for the putting in of such as for estate or loyalty are any wayes fitted for that station, which all comes to pass by the People's election of the Council, who have truly in all parts of the countrey left out the best men out of the Council, whose consent must be had in the appoyntment of Judges, Justices and other civil officers. In this buisness of Pemaquid the Representatives beare themselves upon an Address they privately sent home to excuse the rebuilding thereof without any advice or knowledge of the Governour, or publique application to the Councill, which during this Session I was advised of and demanded copies of the said Addresse, and laboured to make them sensible how absurd it was for them to suppose privately to doe theyr businesse without the Council, when they were but part of the Assembly, and without shewing that Addresse to the Governour, to whom H.M. had given her gracious commands in that matter, but all seems to be nothing with them. If your Lordships judge it irregular for them so to addresse without the other part of the General Court and the knowledge of the Governour, and should see meet to signifie it, it might be a service, and take them off from expectation of serving themselves, and putting a slight upon H.M. Government, of whose just rights I will not abate the least poynt to save my life, it being so very necessary to watch to support it amongst a people that would destroy it if possible. I am in the same posture with the Indians as when I wrote last. I have about 600 men upon the frontiers and have made two marches with about 500, but their distance is such that our provision is spent before we can get to their head-quarters; the forces were out 12 daies each time and necessarily carried all their provisions in theyr snap-sacks, being unpassable for horses, and so were forced to return before they could come up to Pegwackit (which is one of the 3 forts they now reside at, the other two being Amasconty and Norrigawague, set down in the enclosed reformed map), saving in theyr second expedition they surprized 11 or 12 whom they destroyed, and I am now getting snow-shoes and sleads to pass upon the ice for a winter's expedition, which hath been alwaies accounted best, although the Representatives, contrary to all expectation, sent up theyr vote the evening they were prorogued to pray there might be no winter's expedition, but to disband the forces, which I can by no means admitt of, however the use they will make of that vote shall be to acquitt themselves of any disappointment in a winter's march, and to except to the charge as a grievance in the Spring Session. However they have dealt with me or Lieut. Governour to refuse us any just support, I have been as thrifty in their expence and as careful not to have uselesse forces raised as if I had been to pay it all myselfe, and alwaies have had the advice of my officers in the part and acquainted the Council to their satisfaction at all times what I was doing, and truly if a House of Representatives in these parts could possibly be knowne to your Lordships, theyr skill and temper and methods, there would be no manner of need at any time to apologise for their dissatisfaction.

The Castle is to a very small matter finished, and foure times as bigge as it was before, and demands a force proportionable, and yet the Representatives have made it a greivance to have any more soldiers lodged there than when it was but a quarter so bigge, however I shall doe therein what is necessary and doubt not of your Lordships' acceptance of my service therein, although some of them have been so rude as to say, if I employ more men there, I may pay them myself, which I am humbly of opinion will perfectly take away H.M. power to command the service of her people in the Plantation, which as my duty I shall alwaies assert. I have in H.M. service for the sea only the *Gospir*, Capt. Smith, a sixth rate, which when the spring comes will by no meanes be a security to this large coast of 100 leagues, and next adjoyning the French. If H.M. shall please to make a descent upon Port Royall with some ships of warr directly from England, without first going to the West Indies, where they usually loose halfe theyr number and all their health, before they come northward, it would in all probability be effectuall to remove that nest of pyrates so near us. In New Hampshire, which bears the proportion truly but of the 11th part to this of the Massachusetts, they have dutifully granted 500*l*. to begin the reform of theyr fortification on great Island, and Col. Romer is there taking order, although little can be done till the Spring, and in the buisnesse of a salary for the Governour, considering them to lye so near the enemy, and having been often wasted by them, they have granted only a salary during the present Commission of 160*l*. per annum, which is as much as they can well doe in peace, and lesse than which I belcive they will at no time offer whilst they remain a Province. I was willing to accept that vote, being equall to 1,600*l*. for this Province, and for the limitation of time, being able to get no farther at this time, especially it being so much beyond what this Province would be brought to. They have also made an Act to require every man in the Province by 50 at a time by himselfe or a sufficient hired

1703.

man to take turns for 10 daies at a time, and so circularly as often to be repeated as the time requires without pay, without which they could never have held out, saving alwaies to H.M. or her Governour the just right to command as many more at all times as shall be judged necessary. If H.M. would favour that Province with the arms and stores mentioned in your Lordships' memorial on theyr behalfe early in the Spring, it would put life into that Province, and distinguish and reward their obedience. In the affair of Mr. Allen, H.M. commands shall be strictly obeyed on my part, and I have given him notice that when he pleaseth to have any triall at law, I will be present, and see that the verdicts, if not for him positively, be speciall, and that all Patents and papers that he shall offer be specially found, although I may have some difficulty with the Judges, but your Lordships will remember H.M. Instruction limited me, at my coming hither, not to remove any Judge or Sheriff without a fault *etc.*, which truly I have no cause for, and the Province is so thin of men of any capacity, that I know not where to supply any vacancy that may happen.

In this present warr with the Eastern Indians, this Province doth wholly cover both Road Island and Connecticot, to whom I have made all possible application for a quota of men. I can obtain nothing, but on the contrary Road Island doth hide and cover all manner of deserters from hence both for the service of the sea and land, and although I am here at 2,200*l.* per moneth charge, the Colony of Road Island have not had a tax of one penny in the pound this seaven year, which makes H.M. subjects of this Province very uneasy under theyr charge and service in the field, while other of H.M. subjects sleep in security, and smile at our losses and charges which are an equall service to themselves. *Signed*, J. Dudley. *Endorsed*, Recd. April 29, Read May 2, 1704. 4 *pp.* *Enclosed*,

1398. i. Abstract of preceding. 2½ *pp.*

1398. ii. Memorandum of Act of New Hampshire relating to the Inhabitants doing military service in equal proportion, and for raising money for a stock of provisions to be in each town ready for a march against the enemy. ¼ *p.* [*C.O.* 5, 863. *Nos.* 66, 66.i., ii.; *and* (*without enclosures*) 5, 911. *pp.* 241–251.]

Dec. 19. **1399.** Governor Dudley to [? *the Earl of Nottingham*]. *Duplicate of preceding, with the following addition*:—One further disadvantage I have by it that many of H.M. subjects of this Province do daily remove from hence into those Colonies where they may have lands to setle and be quitt of the taxes and services here. The two foot companyes, Capt. Laramore and Walton, are arrived from Newfoundland, and I took care to muster what remained of them. Laramore scap't best and brought home 30 men. I have signed their muster-rolls, with all exactness, both as to the time of their shipping and landing here. I have not presumed to set their pay, not knowing what H.M. pleasure will be therein, because though they were raised

1703.

as foot companyes, what service they did was at sea, being severall moneths aboard the Fleet for a cruise. Mr. James Campbell will waite on your Lordship with the muster-rolls and the method of their payment, whether as Foot or marriners, is humbly submitted to your Lordship. I have so far given them a Reputation with some merchants here, as to obtain something for their releife after a yeares absence, having had nothing abroad more than their subsistence, and I humbly pray your Lordship's favour for them, which will encourage the like service for the future. *Signed*, J. Dudley. *Endorsed*, R. April 28. 4 *pp.* [*C.O.* 5, 863. *No.* 66.A.]

Dec. 20. Amboy in East Jersey.

1400. Col. Quary to the Council of Trade and Plantations. My last was from Virginia. I was obliged to hasten from thence in order to attend on my Lord Cornbury at the sitting of the Assembly in Amboy, Nov. 8, where I have continued ever since. The Eastern Division hath been a long time in the hands of a very few Scotch, the head of which party is now Col. Morris, the whole number of them are not at most above 20, and yet they have always, by the advantage of a Scotch Governor, carry'd it with a high hand against the rest of the inhabitants, thô more than a thousand in number, and the greatest part of them men of substance and sense: the hardships they have received from this small number of Scotch, have so prejudiced the whole country against them, that it is impossible to reconcile it (it must be a work of time). This great prejudice hath been now again improved on the occasion of the last election of Members to serve in the present Assembly. There appeared in the field on the Scotch interest but 42 persons (and a great part of them came from New York and Long Island) who were qualify'd to vote. Whereas on behalf of the Country there appeared betwixt 3 and 400 men qualify'd, and had they thought it necessary could have brought several hundred more. But notwithstanding this vast odds, yet the Scotch having by a false representation to H.E. prevailed with him to appoint one of their number to be made High Sheriff, he did, contrary to all law, reason, justice or president, return the choice of the 42 electors against the choice of more than 300. I will not entertain your Lordships with the particulars of the carrying on of this unjust election. First by delay of time, they thought to tire out the Country by detaining them so long in a place where there was not any accomodation for such number of people, at that time of the year, several hundreds of substantial housekeepers being forced to lye out of doors in that bitter weather; when that would not do, he multiply'd tricks upon tricks, till at last barefaced, he made the return contrary to the choice of the Country. The state of the Western Division hath always been betwixt the Quakers and others, thô the Quakers are the far less in number, yett they have always had the Government in their hands, especially since Col. Hamilton joyn'd intirely with them. Their greatest number is in Burlington County, but in the other three counties of that division they are but very inconsiderable; however by their usual application and diligence, with the advantage of H.M. Instructions for the choice of ten members to be chosen in each Division, whereas had the election been in each county, they could not have carry'd it but in Burlington County only, they had influenced abundance of the inhabitants, insinuating that unless they chose Quakers, that tythes, the Militia, and great taxes, would be established by the Assembly. This had the effect they expected, and the Quakers were chosen (most of them Proprietors). When these two parties met in Assembly, having concerted all matters beforehand, they soon let the world know what they aim'd at; the first week was taken up in Petitions about the false returns, of which the House of Assembly was sole judge, at last a day was appointed to hear the County by their Councill. But they were obliged to produce but 20 witnesses, at the time fix'd they did appear, but were then told, that they had heard several witnesses upon account and behalf of Mr. Gourdon (the High Sheriff) and were fully satisfy'd that he had done his duty, and therefore was resolved they would not hear any witnesses against him, but were fully satisfy'd with the return of Members which he had made, and so did discharge the Country and their Councill, without giving them a hearing. This treatment had like to set ye Country in an uproar, had they not been in hopes of relief from H.E. Justice, the improvement and management of which was by my Lord committed to me, having gain'd a very great esteem from them by my appearing warmly on their behalf. I hinted to them that the most effectual way of prevailing with my Lord to lay these Quakers and Scotch aside, must be by good assurance to be given, that in case a new election should be made, that they should make such a choice as should effectually answer all the ends of Government (which they promised to do), and that they would give double the value that this Assembly did give, and settle it as a Revenue for support of Government. I desired them to make choice of one or two men in each township, and impower them to discourse me upon the matter, and oblige themselves to stand by what they should promise on their behalf, which accordingly they did. I gave my Lord an account from time to time of every step I took, and did nothing without his approbation. However, my Lord having so good an opportunity of trying both parties, was resolv'd to see what the present Assembly would do, and like a prudent Governor encouraged their going on to business, very well knowing that he had it always in his power to lay them aside whenever he found that they did not answer the end of Government which was expected from them; the first thing they did, or rather was done to their hands, was a Bill entituled, An Act for securing the Rights and Titles of the Proprietors, and also for securing ye Rights and Titles of the People. I may truly say, that there was never more villany and injustice couched in any one Bill, then was in this. For to shew that they would be no respectors of persons, they were pleased to begin with H.M., and did by asserting the bounds of the Province, take from her a great part of the Province of New York,

1703.

no less then all Stratton Island. this they give and confirm to the Proprietors and their heirs for ever, notwithstanding the Queen hath been in actual possession of it above 40 years past, without their pretending and claiming any title to it at all. The step that they took next was to defraud the Queen of the reserved rent in the first Deed from the Crown, which is twenty nobles, and all the arrears, which is above 40 years, and amounts to above 270*l.* sterling. When they had done this, notwithstanding the Proprietors had resigned up the Government, yet the Assembly were pleased to take from H.M. and give to themselves all royaltys whatsoever, under which general terms are concluded many parts of Government. And when there was no more injustice they could do the Queen, they proceed then to take from more than 500 inhabitants at once, their just rights, that they have been possess'd of for above 30 years past, by taking away from the persons several large tracts of land which they held by pryor Grants than what the Proprietors derive from my Lord Berkly and Sir George Carteret. For before the Duke of York convey'd to them, he gave a power to one Col. Nicholls to settle these parts, which accordingly he did, and granted several tracts of land, and by his order they purchas'd the Indians' rights from them. This title this Bill destroys at once, without any regard to so many people concern'd therein by sale, transferring, mortgage, dowry and otherwise, which hath one way or other engaged the inhabitants of the whole Province; and should this Bill pass, would ruine and involve them all in confusion. Besides, they have destroyed even their own Grant to several, and changed their rent and tenure. But that which seems the most extravagant in these that pretend themselves to be Proprietors, that they should go about to cheat so many of their own brethren, as by this Bill they have done. In the first place, they have destroy'd the joint tenancy by which all the Proprietors jointly hold, and have destroy'd that tenure without giving their brethren leave to be heard for themselves. Then they take their property from them and give it to a few of themselves, who have pick'd and cull'd all the choice and best of the land throughout the whole Province, all which by this Act they take care to settle and secure to themselves and their heirs for ever, without being accountable any ways to any of the rest, who to this day have not one acre run out for them, but must take up the barren land, or none, which is not worth a penny, whilst the rest have from 20 to 50 or 60,000 acres apiece of the choicest and best land, worth a vast summ of money; a few of the topping Proprietors in England are taken care for by these here, but the major part left to shift for themselves. A comment on this Bill would fill a volume. The major part of the House of Assembly are Proprietors, where they sit and make Acts for themselves, to which they are Parties; and when they are past that House, then the Bills are sent to H.E. and Council, which do at present consist of above ⅓rd of Proprietors. It's thought very hard by the Country that these gentlemen should thus be allow'd to be both Judges and Parties, and fill up the Assembly and

1703.

Council too. I have often heard of Acts made to mend and strengthen defective Titles, but very seldom heard of Acts made to ruine and destroy men's Titles. After the first reading of this Bill, it was committed, and took up three weeks of our time; for the more we considered of it, the more and greater difficulty still arose, till at last H.E. saw an absolute necessity of laying it aside. The Proprietors in the Assembly thought to have gained their point by tacking the Money-Bill to it, they would not part with that Bill out of their House, till they could see the issue of their beloved Bill. But at last up it came, attended with another Bill to reinforce a Money-Bill made in Col. Hamilton's time, which set the country together by the ears and in arms. There was about 6 or 700*l.* unpaid of this old Bill, which they had now again by a new Act reinforced. In consequence of which would have been to put the country again in confusion, the reinforcing this Act past by a Government that was not qualifyed according to Law, would be construed as a confirmation of what was done contrary to Law, but H.E. knew better things than to give them that handle, for after a great bustle about this old Bill new vampt, H.E. found an easy way to lay it aside without noise, and then comes on the stage the Money-Bill so long expected. At the first opening of the Assembly, my Lord acquainted them with H.M. Instructions about raising a fund by way of Revenue for defraying the necessary charges of the Government. But when we came to examine the nature of this Bill, we found that they had only taken care for one year, and that but very indifferently too. If they had but got their own business done, they did not care whether the country did sink or swim for the future. Beside it was the most unequal tax that ever was laid on a country. For there are a great number of men in this Province besides the Proprietors, who have gotten great estates by stock-jobbing land; whose business is to buy all the good land in the Province, and parcel it out again to a vast advantage. These men improve no land, but are masters of all the money in the country; these contribute nothing towards the support of Government; but all that lyes on the poor industrious farmers or free holder of 100 or 50 acres of improved land (as it is call'd), whereas perhaps the heart of this land is worn out and good for nothing, but to be turned out for pasture: yet he must pay for his lands, and also for his horse, cow, sheep, servants, and what other stock he hath, when these great number of rich men pay nothing, thô they have more than a hundred times the estate of those that support the charge of Government, several of these men have from 10,000 to 60,000 acres a man, and perhaps worth more than 20*s.* p. acre ready money. This injustice they shelter under an injunction recommended by the Proprietors to H.M. under a false gloss. I hope your Lordships will please to make an enquiry into this abuse, which you will find confirmed by the whole country. I am obliged to turn again to the Money-Bill, and observe to your Lordships, that thô this Assembly of Proprietors could not afford to give to H.M. 1,000*l.*, which is not much more than

1703.

600*l.* sterling, and that but for one year, yet they had taken care to give themselves 1,400*l.* to defray their own charges, and reimburse themselves old debts due in Col. Hamilton's time, all which was to come into these very men's own purses, by all which your Lordships may guess what sort of men H.E. my Lord Cornbury had to deal with. I am sure he knew them better than they know themselves, and managed them accordingly ; there hath no Act passt, but a short Act to prevent buying lands from the Indians without a license from the Government, the allowing of which is of very ill consequence, and therefore cannot be too much discouraged. But could wish that the Act did not look back above 20 years, about which time Laws were made to prevent that Evill. But the looking back from the very first, will, I fear, have an ill effect, however, that single Act will I hope have a review of the next Sessions. My Lord hath thought fit to adjourn the Assembly till May next. I hope that Adjournment will by my Lord's conduct end in dissolution, which will be the most effectual means to settle this Province on a just and sure foundation ; the people will thereby enjoy the benefit of H.M. grace and favor in a free election, which will engage them for ever to H.M. interest, and make them chearfully contribute to the support of the Government, and hazard their lives for and in defence of H.M. right, Crown and dignity, especially when they shall find themselves freed by H.E. good Government over them from the tyranny of their old task-masters ; the truth of which I am very well assured will be demonstrated in a very few months. I should not so positively assert these matters to your Lordships had I not a sure foundation for what I say ; all which I have fully laid before H.E. These very men who have so notoriously shewn their dishonest and unjust principalls in this their Bill of Property against the Queen, their fellow-Proprietors and the whole Country ; yet they are pleased to pretend conscience of giving H.M. her due Titles, and therefore to avoid it, sent up the Money-Bill without any preamble at all to it ; from the effects of such men's consciences, I pray God preserve the Queen, her Government and all good men. I have not yet had time to get the copy of the several Bills, but H.E. promises to send them to your Lordships this opportunity, and the Secretary hath promised mee the same. *Signed*, Robt. Quary. *Endorsed*, Recd. 1st, Read 9th May, 1704. 9 *pp.* [*C.O.* 5, 970. *No.* 14 ; *and* 5, 994.A. *pp.* 146–163.]

Dec. 20.
Whitehall.

1401. Journal of Council of Trade and Plantations. Mr. Warters, Solicitor for the rights and perquisites of the Admiralty, attending, their Lordships desired to know what particular complaints had been received from any of the Plantations relating to Prizes brought in there. He named Bermuda for one, but promised to draw up a particular account. As to the dues of the Lord High Admiral, he said that what merchant ships not commissioned are taken by men of war, the Admiral has no share thereof ; that whatever ship carrying a commission is taken, the Admiral has the $\frac{1}{10}$th thereof ; that

1703.

a non-commissioned ship taking any enemy, the Admiral has the whole; and he promised to lay before the Board a copy of an Order of Council Declaratory of all the Admiral's rights. Their Lordships then considering the Memorial of the Commissioners of Prizes, Nov. 22, relating to the *Neptune* condemned in Barbadoes, and finding some obscurity in the sense thereof, gave directions for a letter to them.

Order of Council relating to the exportation of Irish linen directly from Ireland to the Plantations, read and some progress was made in that matter. Ordered that the Secretary write to Mr. Johnson, Clerk of the House of Lords for a copy of the Address of the Lords to the late King, about 1698, relating to the linnen manufacture of Ireland.

Letter to Mr. Joddrell, Clerk of the House of Commons, ordered for a copy of the Address of the Commons to his late Majesty on the same subject.

The above Address was received and read.

Dec. 21. Report of the Board to the House of Lords, Dec. 16, having been laid before H.M. and returned to this Board by the Earl of Nottingham, the Lord Viscount Weymouth was pleased to charge himself with the delivery thereof to the House of Lords.

Dec. 22. Above Address of the Commons received and read.

Order of Council, Nov. 11, on the petition of the Officers at Jamaica, read. Letter to Lord Nottingham ordered (*see* Dec. 23).

Order of Council. Nov. 11, repealing an Act of Jamaica, read and ordered to be transmitted to the Lieut. Governor of Jamaica.

Order of Council, Nov. 11, relating to impressing seamen read. Letter to Mr. Burchet ordered.

Order of Council, Nov. 11, relating to the disorders in Jamaica, read, and letter ordered to be prepared accordingly.

It being observed that the confirmation of the Jamaica Laws by King Charles II for 21 years from Nov. 1, 1683, in which Collection of Laws is included an *Act for raising a Public Revenue*, will expire Nov. 1st next, their Lordships resolved to take that matter into consideration, and make a full Representation relating to the Revenue Act in the first opportunity.

Dec. 23. Representation upon the exportation of linnen from Ireland to the Plantations signed.

Letter to Lord Nottingham signed, and the draught of a letter from H.M. to the Lt. Gov. and Council of Jamaica, was enclosed.

Sir B. Gracedieu and Mr. Way desired their Lordships to report upon the Kingston Act, alledging the great inconvenience of delaying the resettlement of Port Royal, as particularly that several ships (amongst which the *Eagle* galley and *Florence* frigate were named) had refused to go up to Kingston to lade there and thereby had forced the merchants to bring their goods to Port Royal, wch. had caused an extraordinary charge to those concerned, and did amount to about 400*l.* in the last Fleet arrived from thence. Whereupon their Lordships promised to take that Report into consideration forthwith.

Proposal from Mr. Mason, Nov. 29, read. [*C.O.* 391, 16. *pp.* 330–340; *and* 391, 97. *pp.* 801–814.]

1703.
Dec. 20. **1402.** Minutes of Council of Barbados. H.E. acquainted the Council that the reason he called them this day was to consider what should be done with Capt. Manasses [*Gilligan*], and others, who were committed for High Treason and discharged at the last Court of Oyer and Terminer, notwithstanding their case was sent home to H.M. and her pleasure not known therein. *Proceedings at the said Grand Sessions, Dec.* 14–17, *at length,* [when Capt. Gilligan, Wm. Andrewes and Stephen Morris petitioned to be tried, and H.M. Counsel urged that their petitions *etc.* should be held over till next Court, that H.M. pleasure might be known to H.E. and Council. The Court by 18 votes to 4 decided that they be indicted this Court, "and thereupon the prisoners, no evidences appearing to prove the matter contained in the said indictments, were quitted, *etc.*"].

H.E. and Council demanded of the Attorney and Solicitor General what course by Law might be taken for the securing of them till H.M. pleasure be known therein.

The Hon. John Farmer, Member of Council, was granted leave to go to England for his health.

Notwithstanding H.E. has signed clearances for several vessels, ordered that none sail out of this Rhoad till H.E.'s further orders.

Dec. 21. The Attorney and Solicitor General delivered their reply. According to our former opinion, we conceive that the offences with which Gilligan *etc.* are charged cannot amount to High Treason, the Statute of 3 and 4 Wm. and Mary against corresponding with their Majesties' enemies being temporary and expired; even if they had, they could not legally have been determined in this Island without a special Commission from H.M., 35 Hen. VIII (*the offence not having been committed in the Island*); but if treason had been committed in this Island, then we conceive here is sufficient power in your Commission and Instructions to try it . . . We conceive that their acquittal is a discharge of the indictment, and that if there be any matter to be charged against them, there ought to be full, direct and positive proof taken thereof before they may be committed *de novo*, and that such evidences ought to be bound over to give their testimonyes at their trials, as well as a proper person bound over to prosecute, or the said parties may be committed for High Crimes and Misdemeanours, and tried if the same can be effectually proved against them, but not otherwise, *etc.* In further reply to H.E., they said that he could not lawfully, as the case then stood, commit Gilligan *etc.* Ordered that all the Judges meet and consult of proper methods to secure them till H.M. pleasure be known, the Attorney and Solicitor General to attend with evidence. [*C.O.* 31, 8. *pp.* 154–166.]

Dec. 20.
Boston. **1403.** Minutes of Council of the Massachusetts Bay. H.E. acquainted the Council with a proposal of James Robe to enterprize the surprizal of some of the Eastern Indians now in enmity, on pretence with a private trade with them, and communicated the Instructions for him and Capt. Larrabe who was to

accompany him with 20 souldiers of the garrison at Casco and assist in the design, which was approved.

2*l*. 10*s*. 6*d*. paid to Col. John Phillips for expenses of himself and Lt. Col. Tyng in visiting the frontiers of Middlesex with orders from H.E. in Nov.

28*l*. 8*s*. 1½*d*. paid to Peter Sergeant in full of interest of 184*l*. which the Province was indebted to him for 60½ barrels of gunpowder.

7*l*. 14*s*. 10*d*. paid to John Leverett for journeys to Natick and Puncapong and oversight of the Friend Indians.

894*l*. 10*s*. paid to Capt. Cyprian Southack, *Province* galley, for his own and company's wages, April 14—Nov. 20, 1703.

1,500*l*. advanced to Andrew Belcher for supply of public stores.

Ordered that all transports employed in the public service, until Dec. 2 past, be paid for deckt vessels 6*s*. per tun and open vessels 4*s*. per tun by the month, owners bearing whole charge of fitting and the risque; the pay of a master of a deckt transport to be 4*l*. per month, of a mate 40*s*. *etc*. [*C.O.* 5, 789. *pp*. 552, 553.]

Dec. 21. Whitehall. **1404.** Clerks of the Office to the Council of Trade and Plantations. Pray for exemption from taxes, and enclose presentments and orders, showing that Clerks in other Offices, Excise, Post Office, Customs, Stamp Office and Admiralty, whose salaries did not exceed 100*l*., were granted exemption. 6 *pp*. [*C.O.* 388, 75. *Nos*. 84, 84.i., ii.]

Dec. 21. Whitehall. **1405.** Council of Trade and Plantations to Mr. Secretary Hedges. We have considered the petition of Matthew Plowman, and have been attended by some persons lately inhabitants of New Yorke, who have *confirmed substance of his petition* (*see Cal. A. and W. I.* 1700. *No*. 807. i.) and that the value of the provisions taken from him by Leisler might amount to 600*l*. as alledged. We do not conceive his claim to be a debt of justice, yet his condition is such that he appears to us an object of charity. *Signed*, Dartmouth, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. [*C.O.* 5, 1120. *pp*. 238, 239.]

Dec. 21. Whitehall. **1406.** W. Popple to the Commissioners for Prizes. The Council of Trade and Plantations having had under consideration your Memorial of Nov. 22, relating to the *Neptune*, desire you to furnish them with a copy of the Order of the Court in Barbadoes whereby you say "*one-half*" etc. [*quoted. See Nov.* 26], and further to inform them wherein the Court of Barbadoes have proceeded irregularly, or wherein H.M. has been injured, either in that or any other instance of the like kind; for that it does not appear to them that the words "Statutes or Acts of Parliament," which you interpret to mean "Acts of Assembly," can signify other than the Acts of Parliament of this kingdome. And then the distribution of that prize does not appear to them to have been unduly made; wherein they therefore desire your particular explanation. [*C.O.* 324, 8. *pp*. 312, 313.]

1703.
Dec. 22.
London.

1407. William Penn to the Council of Trade and Plantations. I herewith send you a letter I have received from my Councill in Pensilvania, together with an extract of letters from the Secretary of my Govermt., as also an answer to the complaints and aggravations of some persons against it, which I earnestly beseech you to allow deliberate reading. And if the account given therein may find the Credit, that the morals and caracter of the people from whom it comes, deserves, I shal hope theirs that have given us so much trouble will lessen with you, upon which alone they seem to have presumed too farr with some of the inhabitants; and which I suppose would hardly have been endured in any other Govermt. For there can never be a greater Demonstration of Refractoriness and Faction, then where people oppose effecting what they seemed to desire, and hinder doing the very things they have before complain'd of for not being done, and labouring with their utmost power and interest to persuade or awe people from their duty in Government, and then make that a reason of complaint against it. So that I am under an absolute necessity of entreating your letter to require our disturbers to demean themselves at least with less offence, and rather study to promote than obstruct the publick peace and justice, especially since we are yet under a treaty about the Govt., and that we find by experience we have enemies enough abroad to make Peace our choice, as well as interest, at home. Here is a ship suddenly bound for New York, and another to Boston. I therefore pray, for the prevention of the inconveniences that may unhappily arise from such contradictions, your letter and duplicate to send by those opportunities which are so uncertain, during this time of warr, and the great distance will not allow present and suitable remedies. *Signed*, Wm. Penn. *Autograph. Endorsed*, Recd. Jan. 11, Read March 3, 170¾. 2 *pp. Enclosed*,

1407. i. Council of Pennsylvania to William Penn. Philad. [? Aug. 26], 1703. May it please our Proprietary and Governor, The mournful account of our late Lieut. Governor's decease having by this time we hope reached thee, we think ourselves obliged to acquaint Thee with our circumstances and proceedings thereupon. Soon as a Council could meet after the Governor's Interment we published our Commission on the 4th 3d moth. with a Resolution to act in all things absolutely necessary for the present support of Governmt. in pursuance of the powers of said Commission till further provision could be made. But on 17th Col. Quary produced to us then sitting an Order of the Queen in Council requiring all Magistrates and Officers in this Govt. to take the Oath directed by the Law of England, or the Affirmation allowed by the said Law to Quakers, and that no Judge be allowed to sitt upon the Bench, who shall not first take the oath of a Judge, or in lieu thereof the aforementioned Affirmation; also that all persons who in England are obliged and are willing

1703.

to take an oath in any publick or Judicial proceeding, be admitted so to doe, or otherwise all their proceedings are declared to be null and void. With this Order by directions from the Lords of Trade and Plantations (as Col. Quary declared) all the Courts in the Govmt. were served successively as they came, from wch. some among us who too much make it their business to obstruct all our affairs for their own sinister ends, took occasion to endeavour a stop to the proceedings of the Courts at that time, notwithstanding all the Magistrates of this and most of the Counties had really taken all those oaths or affirmations upon their admission. But because in two of our Counties, Chester and Bucks, it will be very difficult, and in Bucks almost impossible to find a sufficient number of fitt persons to make a Quorum of Justices that will take or administer an Oath, it will be a very great hardship there to have none on the Bench but such as can swear, for our frds. can no more be concerned in administring an oath than they can take one. And in all actions where the case pinches either party, if they can from any corner of the Govmt. bring in an evidence who demands an oath, the cause must either drop, or a fitt number of persons must be alwayes there to administer it, tho' only perhaps [*fit?*] upon the account of such an Evidence, a hardship upon a people consisting chiefly of those that cannot swear at all, that we presume had never been putt upon us in these cases if fully understood. The Order however appearing positive, several powers or writts of Dedimus Potestatem for the Qualification of the Magistrates were necessary, which must be issued by the Council, but we ourselves not being qualified, it was objected that there was a necessity for us first to take what the Law required, and especially that injoyned by the 7th and 8th Wm. III for the security of Trade, for administring which to the Governor of this place a Dedimus under the Great Seal of England is directed to Col. Quary, Rd. Halliwell, and Jasper Yeats and two more absent or deceased. For answering this, letters were sent by us to the persons named, desiring them to attend the Council on the 29th of the 4th moth. (to which time it was delaid by Col. Quary's absence) in order to discharge what was injoyned by the said Dedimus and Order. Accordingly they came, and first for sometime insisting on the surrender of the Dedimus into their hands, which before had been kept with the Records of the Govmt., upon their engagement to return it, it was delivered to them, and they withdrew to consult what was proper for them to doe. About an hour after returning, they delivd. up the Dedimus again, as they had engaged, but told the Council that unless five of us, which number makes a Quorum, would take the

1703.

oath in express words as directed, they could not administer it to fewer. It was insisted on that it should be administred to such of the Council as could swear, who were only two, and that if nothing else did, yet the Queen's Order, which Col. Quary had produced, gave liberty that an Affirmation should be taken in all cases of Magistracy, where the persons could not take the Oath, and therefore that if such should swear who could, and the others, who in conscience could not, took the affirmation, it might fully answer. To this, that there might be no obstruction in business and the administration of Justice, they were urged, but constantly refused, and thereupon withdrew. After which one of them, viz. Rd. Halliwell, insultingly made his boast that they had now laid the Govmt. on its back and left it sprawling, unable to move hand or foot. But the said Dedimus being also directed to five of the Council and Collector of the Customs of the Port of Philadelphia, as well to the others beforenamed, we called the Collector and required of him, upon the others' refusal, to discharge his duty in this case, but Col. Quary having some influence over him by reason of his office as Surveyor Genl. of this River, had sent for him before and warned him not to meddle, upon which he also at that time refused. But not only some of our own Lawyers, but one in the neighbourhood, viz. J. Regnier, eminent for his skill, taking some pains to inform him that it was indispensably his duty to administer the said oath, when required, to as many as would take it, being sent for again, he complyed, and on the 16th of the 5th moth. administered it in Council to Judge Guest and Capt. Finney, and the rest of us who could not swear generally took and subscribed the same by an Affirmation, according to the Law of England and the Queen's Order, which was the utmost we could doe. This obstruction being surmounted much to the disappointment of our Adversaries, we proceeded to transact what was of immediate necessity before us, but through these men's restless endeavours find it extreamly difficult fully to discharge the duties of Govmt. incumbent upon us, they taking all advantages of throwing in our way whatever may perplex or be a hardship to us, by reason of oaths or such other things as are inconsistent with the principles of most of us. Besides that many things occur in the administration of Govmt. according to the Laws of England, if no immunities by our own Laws must in these cases be allowed us, that cannot well be executed by men of our Profession. We doubt not but that according to the Custom of these men they have been exhibiting complaints against us, occasions for them being what they daily court, and when by their endeavours by any

1703.

means brought to bear they greedily lay hold on them. Governor Hamilton last winter issued a Commission of Oyer and Terminer and Gaol delivery for the County of Philadelphia to Judge Guest, Capt. Finney and Edwd. Farmer. The trials were by the Commission required to be wholly by oaths, because some of the Provincial Judges had been tender of trying them otherwise, some of the prisoners being upon their lives. But the Attorney General that thou left us (J. Moore), instead of discharging his duty in prosecuting for the Queen, rode out of town, and such effectual endeavours had been used with the persons impanelled for the juries (being chiefly those called Churchmen and such as could take oaths) that not one of them would serve, but positively refused. The same methods had also been used in Philadia. to prevent all persons from listing themselves in the Militia under the said Governor's Commissions last year, and yet we are credibly informed that they have complained as well of the small appearance of men in the Militia, as of people being tried only by affirmation, tho' these Complainants themselves were the causes of both. Their Plott is to have the whole Govmt. represented to the Ministry to be in confusion, and that thereupon it will be absolutely necessary to be taken into the Queen's more immediate care; to this end they magnify every small occurrence where they can have the least grounds, and scruple not to make where they find none, as Col. Quary has lately done to the Lord Cornbury in a letter, as that Nobleman himself declared, affirming that we were reduced to such confusion that we had no Govmt. at all, or to this effect, with a design to induce that Lord (who we presume has more honr.) to represent it home upon Quary's information, that it may there gain the greater credit, but should it be so represented, we affirm 'tis positively false, and shall take occasion to acquaint the Lord Cornbury accordingly. It is also intended, we are informed, to be made the subject of a complaint that one Burgess, Lieut. to Capt. Pulleyn, Commander of the ——, Capt. Dampier's compa[*nion in*] his intended expedition to the South Seas, lately brought in a prize that the said [*ship*] had taken in the Canaries, loaden with wheat, into our Capes, and that the said Bur[*gess going*] on shoar at Lewis was not seized with his ship. She had 12 guns and 15 men mostly English, and tho' there was no reason to discredit the Master's or men's report, yet it was [*believed*] they had left Capt. Pulleyn upon some unfair design. An account of th[*is being*] brought to Philadia. in the worst dress while the Lord Cornbury was here in his [*visit to us*] from Burlington at his accession to his Govt. there, upon a consultation [*with*] him it was thought fitt that he,

1703.

as Vice-Admiral of Jersey, [*should use*?] his Commission for seizing and bringing her up, and a vessel and men fo[*rthwith* ?] be furnished from this place, in order to which preparations were forthwith [*made, when* ?] another vessel coming up the River brought advice that the Prize had [*sailed* ?]. We since hear by the post from N. York that the said Capt. Burgess has co[*me in* ?] thither, and is to have her legally condemned as his prize. One would admire what consequence could be drawn from hence, but w[*e hear* ?] the complaint is, that she might as well have proved a Rogue as honest, [*and that* ?] the County should have seized her, according to the advice of the Collector ther[*e, who being* ?] youthful and active was very brisk in endeavouring it, but mett not with [*any* ?] concurrence as desired from the inhabitants, who perceiving her to be no [*doubt* ?] of some force were unwilling to expose themselves in a hazardous undertaking without seeing any reasonable cause for it, or any probability of advantage or safety from it. We indeed of Philadelphia upon the first information feared it might prove worse, for it was represented to us under some surprize, which caused those preparations, our readiness towards which the Ld. Cornbury promised he would duly acknowledge to the Queen or Ministry, but the whole proving better than expected, and the vessel being gone, it dropt. only we have thought fitt to turn out the Sherif of that place upon complaint of his refractory behaviour to the Collector in this and some other cases. But if he or any other there should be found deficient in their duty, we hope it will be considered that these are some of the men who employed Col. Quary in their behalf to complain against thee and this Governmt., and therefore will not be imputed to the Quakers here, there not being at that time above one in the place, for W. Clark was then (as now) at Philadia. However, because occasions are continually taken from our circumstances chiefly upon our late Governor's decease, all which might have been we hope effectually stopt upon the arrival of his approbation by the Queen had he lived; we most earnestly request thee that thou would procure some fitt person of Moderation and Temper, who can fully comply in all points of Govermt. with the Law of Engld., to be approved by the Queen and take the Govmt. wholly upon him, that such men as these (Col. Quary and Jno. Moore especially we mean) who have no interest nor one foot of real estate that we know of in the place, but seek the overthrow of the first Adventurers here for their own sinister ends may no longer insult over us, nor be suffered to make continual war upon the just rights and privileges of both thyself and the people. And we beseech thee more effectually to represent our case with thy own to our Sovereign the Queen, whose Justice and Tenderness to all her loving subjects we are well assured would lead her of her innate goodness, if acquainted with our circumstances, to protect us from the designs of those men, who for the sake of aggrandizing themselves by offices without any regard to the true interests of Her Colonies, endeavour [*to*] deprive us of our just rights, and injuriously become in a great measure the Masters of the Toil and Labours of an industrious people, who first embarqued in [*a*] design of settling this Colony in a full expectation of enjoying the privileges first [*pro*]posed to them without Infraction. None are willing to pay a more entire obedience to the Crown in all things in our Power, none can acquitt themselves with more ffidelity, [*an*]d therefore we would in all Humility hope that we shall never be excluded from any [? *shar*]e of our royal Mistress's benign influences, that others of her subjects happily enjoy, [*an*]d that thou wilt also be favourably pleased to use thy endeavours for the obtaining [? *them*] not only for thy own just interests, but those also of the people who have embarqued [*wit*]h thee, and among the rest of, Thy most faithful friends, Griffith Owen, Edwd. Shippen, Sam. Carpenter, Willm. Clark, Caleb Pusey, Tho. Story. *Endorsed*, Recd. Jan. 11, Read March 3, 170¾. 4 *closely written pp. Edges torn. Annexed*,

1407. ii. Abstract of preceding. 2 *pp.*

1407. iii. Abstract of letters from [*the Secretary of* ?] Pensilvania giving an account of the uneasy and uncomfortable circumstances of the people and Government through the practises of Robert Quarry. 24. 4m., 1703. *Repeats part of preceding relating to Commission of Oyer and Terminer at Philadelphia. Continues:* The endeavours of those factious persons had been too successful. After Court, some enquiries were made into the reasons of their refusal, and the principal given were that trials of such criminals belonged to the Provincial Court when it came of course, and that a special Court seemed not so conformable to the Law. This was wholly groundless, but served to impose on those that knew no better. The real argument was that the Commission being issued by Col. Hamilton, who had not the Queen's Approbation, was not valid in itself, and therefore none could be safe to act under it. This was ridiculous, but the whole design was to prevent all things that might take away occasion of complaint, and they hoped the delaying of Justice might prove a great one. The endeavour of the Governour proving fruitless, the criminals continued in prison, till the Provincial Court returned of course, but still it returned under the same disadvantages as the other did before, only that the other Judge was present, which made up three of such as could not swear. The Court being called and all 5 in Town, Mr. Guest and Finney, as they had done before, declined acting, and the other 3, William Clark, E. Shippen and Th. Masters held the Court, and impanelled a Grand Jury, not by oath, for that they could not administer, but by an affirmation, according to the Law of England; which being done and several discourses arising upon it, being desirous to act cautiously to their utmost, they advised not only among themselves, but at length advised also with some Members of Council, who concluded together that the Royal Charter to Thee the Proprietary, requiring the Laws for felonies *etc.* to be the same here as in England, until they should be altered by Thee and the People, and the same Charter in other clauses giving power to make Laws, the Law of England could not be our rule after such alterations were made, that Charter only being the foundation of this Government; that having made Laws of our own pursuant to its direction, which were not yet disallowed, these must be our guide; that we having a Law that directed how Juries should be qualified, while we acted by that we acted legally and could not act so by any other; however that while this Government found no fault with the administration of oaths, when it should be thought there was occasion for them, it was very probable the Government of England would not, and therefore that such as should administer oaths, being free to it, acted safely. Upon this the Grand Jury was again attested, according to the Law of this Govmt. in that case provided, and business carried forward without any obstruction to the end, at which one young man was burnt in the hand for manslaughter, pleading the benefit of his clergy, and a woman condemned to death for murdering her child; but is not, nor is likely to be, executed. This is a true state of the case, and if any fault be found, it will scarcely, I suppose, lie at the Judge's door; for there was a necessity to deliver those miserable wretches out of gaol *etc.* The Governour, tho' always desirous to have oaths administered, where it could by any means be done, yet would not again venture to issue a new Commission, for by that means their old Commission, which is from thyself, and therefore disputed by none, would be made void, and the validity of the new one, issued by Govr. Hamn., not yet approved of, would be disputed, and all the business of that Supream Court obstructed *etc.*

3, 7m. When the Lord Cornb. came to Burlington, where a good number of friends, to shew their respects, waited on him, C. Q. with the principal of his party presented an Address from the Vestry of Philadelphia, requesting his patronage to the Church, and closing with a prayer that he would beseech the Qn. to extend his Govt. over this Province. C. Q[*uary*] also in his first congratulatory Address said, they hoped that they also should be partakers of the happiness Jersey enjoyed in his Govmt. He answered that it was their business (to address the Qn.), but that when his Mistress would be pleased to lay Her commands on him, he would obey with alacrity. The Lord C. upon a report of a ship supposed to be seizable, and Col. Q. aggravating our inability to take effectual measures therein, examined the informer and sent for the Collector of Lewis to draw up a narrative of it. He took notice of a complaint upon the 2 French men's return from Canada, whom he examined and gave advice to take security of them; which they gave in 500*l.* each.

On 3rd 7^{m}., being Court-day at Chester, a dedimus was sent from the Council, directed to Walter Martin, a sober man, to administer the affirmations *&c.* required by the Qn.'s Order. He agreed to discharge what was enjoyned him, but Jasper Yeats prevailed on him to the contrary; the chief argument was that there was another oath (besides those sent), viz. that of Abjuration, which he must administer also, and because that was not sent with the rest, he could administer none; but that oath and the Act that enjoins it not extending to us, unless the Qn. should positively order it, as she has done in the Commission to Lord C., none here is under an obligation to take it. This was a strenuous endeavour of Yeats, and they say Moor, to prevent the Courts sitting, that so they may be strengthened in their complaint and represent us to be in confusion; that is their whole plott. Some of them pretend power from the Lds. of Trade to inspect our actions and use all their authority to no other end then to perplex us and disturb our Govt., but we are in a miserable case, if no care be taken of us from home but to our destruction, and none be employed among us, but such as are profest adversaries to us. Sure our Superiours cannot intentionally be such hard masters. We shall hold our Courts in despite of all their endeavours.

The true state of Butterworth's brigantin, the only vessel that came hither from Curasao since thy Departure. She came up to N. Castle to water, and the Master returning with the Collector, a passenger on board having a chest of prohibited goods, and seeing him, endeavoured to carry it off to Jersey side, but was apprehended and the vessel seized and the Master carried ashoare; but that night the Mate went of with the vessel to Rhoad Island, the Master being ashoar and very apprehensive he should never see her more. This did not stop our prosecution of him, for being informed he was come to this town, we made a strict search, but mist him. Some time after he went to Road Island and took possession of her, but having relatives in this place, and having left Barbadoes, which was his last Port, with his whole Family to settle here, he was still desirous to come in, and having by his friends articled with J. Moor, and at length brought the vessel in and delivered her up, being first stript of all that was valuable about her, and then condemned and appraised to 100*l*. only, of which near 40*l*. went for Court charges. The chest of goods was also condemned, but the Collector of N. Cast., S. Lowman, refuses to deliver the Governor's thirds. We never yet heard there was any communication between this and Road Island about her, further than by the Master's writing perhaps to his relations to tamper with the Officers, which they did so effectually that she was brought of, the Govmt. being no ways concerned in it, [for,] for that to touch with the Admiralty was then the highest trespass. If they complain of any in the Govmt. here in that affair, I will prove them to be in this, as in the rest, unworthy base men. We never had any trials in our Civil Courts of offences against the Acts of Trade, an information only having been once filed in righteous busines; we take all possible care giving offences, but men that study to find them, if they cannot do that, will make them of nothing.

7th $\frac{7}{\text{m}}$., 1703. This being the day for our Court of Philad., the Justices mett, and the Council having directed a *dedimus* to R. Asheton for qualifying the Justices, according to the Qn.'s Ordre, he tendred the oaths required, and with the rest the Abjuration, Guest, Finney, Farmar and Bankson took them all, and Friends all but the Abjuration, by affirmation; but, proceeding to business, when oaths came to be administered, all the Friends left the Bench and quitted the Service, leaving it to the other four. They complain much that so intolerable a hardship should be put upon them now in this Countrey, by which they think themselves thrust out of all business; and doubtless it is a great severity, which could scarce ever be intended, were it understood.

Philad., 1st Xber, 1703. Govr. Hamilton, upon proclaiming the war, exhorted the people, publickly mett on that occasion, to list themselves under such officers for their own security, as he would forthwith give Commissions to; he soon after granted one to Geo. Lowther to be Capt. of one Company in Philad., with other Commissions to his two subalterns, a Lieutenant and Ensign. Upon this the drums beat through the town for such to meet as were that way inclined, the Capt. from promises made him expecting a large appearance; but when come to the field, he found himself much disappointed, those that listed being of a much meaner sort than those he expected, tho' from endeavours he understood were used, he feared something of the kind. He treated them all however very civilly and encouraged them to meet again, marching them through the town. Upon this disappointment he applied himself again to make an interest (for he was very hearty in it), and to have it mended the next time, but found the most ignorant generally persuaded that if they listed they must be forced to Canada, and the others generally backward, giving this, when urged to it for their reason, that for them to form themselves into a Militia now would be the readiest method to secure the Quakers' Govermt. (the want of one being the greatest objection against it) while they (the Quakers) would not lend a hand to it, but laughed at them for their labour. J. Moor and Jasper Yeats took an opportunity one evening to send for the Capt. himself, and used all possible arguments to dehort him from the undertaking. He mustered however a 2nd time, which was the last, finding the opposition too great, persons being daily employed in privat to divert the inclinations of such who had shown a forwardnes that way. Of this there might considerable advantages have been made by the Govmt.

11th. $\frac{7}{\text{m}}$., 1703. Because C. Q[*uary*] before his departure has made all possible preparation for complaints (which he industriously with his accomplices lays plots for) against this Govmt., and because his Vice-Regent in mischief, J. M[*oore*], as well as other officers, has this week strenuously endeavoured, by his profession in the Law, to perplex our Court at Philad., that disorders there (could he procure them) might yield them a pretence, I send this Express to inform Thee that notwithstanding all attempts and designs laid to the contrary, the said Court, which is the principal in the Govmt., being opened on the 7th inst., the day appointed by Law, has been held, and proceeded very regularly these 3 days past, with an exact observance of the Qn.'s Ordre, and so it is likely to close, the Magistrates and Justices having surmounted all difficulties, that our Adversaries heaped in their way. Chester-Court, by means of J.M. and Jasper Yeates' Artifices with the Person to whom the Dedimus for qualifying the Justices was directed, adjourned for a month, he refusing to obey it through a Punctilio cast in his way. But that of Bucks happening this time in the same week with Philad., which it rarely does, and the said busy Instrument, J.M., by his more necessary attendance here being obliged to be absent, they proceeded without any Remora, pursuant to the sd. Ordre. In the Lower Counties there is no obstruction, nor will there, I hope, be any here. But those other 2 small Courts of Chester and Bucks, whose Counties Thou knowest are almost wholly peopled with Quakers will, when business that requires oaths falls in their way, be very much perplexed, there being scarce any fitt to be impowered to administer them ; in the latter scarce one *etc.* Capt. Pullein's ship, the *Fame*, having left her companion, Capt. Dampier, taking fire at Bermuda, was blown up with her own powder. *Refers to her prize as above.*

29 $\frac{7}{\text{m}}$., 1703. Yesterday the Council sitting, Jno. Bewly, Collector of this Port, S. Lowman, Coll. of N.C., and Hen. Brook of Lewis, having received new Commissions for their places under the Qn., desired to take the oaths enjoyned by Act of Parliament before that Board, wh. now represents the Govr. But the thing being new to most of them, the Acts were enquired into, upon which it appeared the oaths ought to be taken either before the Chancelour or in Chancery ; in the King's Bench or at the Quarter Sessions ; but neither of the first being properly here, and the Council being incapable of administering oaths in that manner (notwithstanding they find expedients in other cases, when of absolute necessity), they referr'd the sd. officers to the Quarter Sessions in their respective Counties. With this Bewley and that most ingenious young gentleman, Brook (younger son of Sir Hen. Brook of Cheshire) were well satisfied, but S. Lowman, who since his coming to N. has fallen in with that Clubb, whose Plot is the subversion of the Govmt., makes a noise at it, by instruction from J. Moor, his Oracle, who tells him they have no Quarter Sessions at all, and that the Council had now shewn they knew they had no power themselves (because some of them who could not swear took instead of an oath the affirmation), an egregious piece of Impudence, while he knows the Council has duly since the Govr.'s death discharged all duties incumbent on them. *Endorsed*, Recd. Jan. 11, Read March 3, 170$\frac{3}{4}$. 11$\frac{1}{4}$ *pp.*

1407. iv. One of the Council of Pennsylvania to Mr. Penn. Lewis in Sussex, (*al.* Whorekills), 6, $^{7}_{\text{m.}}$, 1703. On my coming home I found a lease of ejectment left at my house by the means of Col. Whitington of Somerset County in Maryland to appear at the Provincial Court at Annopeton to defend the title of my land in Cederneck on the South side of Rehobor Bay, and the last Court both John Hill and myself had another served on us to appear then to defend our titles to other lands we took up under Thyself on that side of the Bay. We cannot expect but that the Court there will overrule us. They alledge that the bounds of Somerset County comes to the Indian River and Rehobor Bay, and that the bounds of their Province reaches to the 40th degree of the North latitude. They make their boast that after they have recovered the one, they will go on for the rest of the Counties, for they have Maryland rights for great part of the best tracts of land in the Three Lower Counties. Should the Proprietary loose them, the Province would not be of one fifth of the value to him it is now. These things are much strengthened by the disaffected party spreading abroad that the Lower Counties were left out of Thy Commission to the Council in case of the death or absence of the late Lt. Gov. Hamilton, which was a very unfortunate omission, and they say designedly done, for the Proprietor could not grant that he never had. It is now come to that head that not only in the County of Sussex the People do refuse to pay their Quitrents, but also in the County of Kent, for the Chief there lately as I came down from Philada. told me that they repented that they had paid any and given others encouragement to pay, but would pay no more till they see a better authority from the Crown of England for it. I doubt not but the same resolution will be shortly, if not already taken in the County of N. Castle. *Endorsed*, Recd. Jan. 11, Read March 3, $170\frac{3}{4}$. *Copy.* $1\frac{1}{4}$ *pp.*

1407. v. Anon. to the Lord Cornbury. Refers to the "Address to Lord Cornbury presented by the Vestry of Philada., in which they requested him to pray H.M. to extend his government over us. . . . We hope that he will not by any means countenance any such request or endeavour." *The rest verbose compliment. Endorsed as preceding.* $2\frac{1}{2}$ *pp.*

1407. vi. Copy of Reply to informations of undue practices in Pennsylvania sent to Mr. Penn, April 16, 1702. [*See Cal.*, 1702. *No.* 342, *and Penn's replies in same vol. This document practically repeats them.* after remonstrating "ye unhappiness not only of those of us who upon the encouragement of ye King's Royal Charter . . . embarked in a hazardous expedition with their estates and families to change a wilderness into a well cultivated Colony . . . but of all under the denomination of Quakers who have since settled here in being thus injuriously attacked by some few lately come amongst us, who had not ye least share in ye toil, hardships and expence of making this Colony . . . men who make it their business by calumny and slander to represent us under vizards to ye Ministers" *etc. Endorsed as preceding. Partly torn.* 13 *large pp.* [*C.O.* 5, 1262. *Nos.* 59, 59.i.-vi. ; *and* (*without enclosures*) 5, 1290. *pp.* 447–451.]

Dec. 22. Whitehall. **1408.** William Popple to Josiah Burchet. The Council of Trade and Plantations desire you to furnish them with a copy of the Instructions which have been prepared by H.R.H. Council (according to the Order in Council, Nov. 11) in order to their transmitting the same to the Lieut. Governor and Council of Jamaica *etc.* [*C.O.* 138, 11. *pp.* 95, 96.]

Dec. 22. Portsmouth. **1409.** Minutes of Council of New Hampshire. H.E. [Dudley's] letter directed to Lt. Gov. Usher, Boston, Dec. 13, setting forth whether it is best to labour this winter upon the ice to beat up the Indian enemyes head quarters or not, and to take the advice of H.M. Council here and to enter a Minute of their humble advice about the same, was read. The Lt. Gov. addressed the Board :—"It ever hath been judged the best season in the winter to go to the enemy's headquarters ; they cannot be pursued so well in the spring *etc.* If the enemy be not visited now [I] judge they will soon visit these parts, and if not an army out, they may soon be in our bowels."

It is the humble opinion of the Council that, for H.M. immediate service and the security of H.M. subjects, that the forces abroad be continued, and that there be an addition ordered ; the Board desires Governor Dudley to order said forces with all expedition possible to march to the Indian Enemyes headquarters, being the only thing that in all probability under God may secure our frontiers and preserve the subjects ; and [that] this Board at all times shall be ready and willing to give their assistance. [*C.O.* 5, 789. *pp.* 160, 161.]

Dec. 23. Whitehall. **1410.** Council of Trade and Plantations to the Earl of Nottingham. Whereas H.M. has been pleased by Order in Council, Nov. 11, to direct us to prepare an Instruction to the Governor in Chief who shal be appointed for the Island of Jamaica, we are humbly of opinion that such Instructions be prepared for the present Lieutenant Governor, those matters pressing very much, and requiring, as we conceive, immediate dispatch, which we desire your Lordship to lay before H.M. accordingly. We likewise send your Lordship the draught of a letter which we were ordered to prepare for H.M. Royal Signature. *Signed,* Weymouth, Rob. Cecill, John Pollexfen, Mat. Prior. 1 *p.* [*C.O.* 137, 45. *No.* 58 ; *and* 138, 11. *pp.* 96, 97.]

1703.
Dec. 23. **1411.** The Queen to the Governor of Jamaica. *Draught of letter referred to in preceding.* Trusty and well-beloved, We greet you well. Being informed that the Assembly of our Island of Jamaica have fallen into great difference with our Lieutenant-Governor and Council, and into heats and disorders among themselves, so that seven of their number being at once expelled the House, there did not remain a Quorum sufficient for the dispatch of the publick busyness then under their consideration; from which disorders it has happened that no due care has been taken for renewing the body of their Laws, and particularly the Act of the Revenue, which is near expiring, We do therefore hereby direct and require you to signify to the Assembly that we do highly dislike such their disorderly proceedings as inconsistent with their duty to us and with the common safety and welfare of the Island, and that we injoyn them to lay aside their private heats and animosities, and attend with diligence and moderation to the dispatch of the busyness before them and the promotion of the publick good. *Countersigned,* Nottingham. [*C.O.* 138, 11. *pp.* 98, 99.]

Dec. 23.
St. James's. **1412.** Order of Queen in Council. Referring enclosed to the Council of Trade and Plantations for their Report. *Signed,* John Povey. *Endorsed,* Recd. Dec. 29, 1703, Read Jan. 3 (1704). ¾ *p. Enclosed,*

1412. i. Commissioners of Customs to the Lord High Treasurer, London, Dec. 7, 1703. Henry Carpenter, then imployed under Mr. Mead, one of the Sub-Commissioners of Nevis, having reported that the Genl. [? *Codrington*] had forbid the collection of the 4½ p.c. duty on exports from that part of St. Kitts lately taken from the French, having no Representatives to give away the same as the other part had, and withal declared no such imposition should be levied there, and that there should be no civil power in that part during the war, *pray for* directions therein. *Signed,* T. Newport, Sam. Clarke, A. Maynwaring, Will. Culliford. *Signed,* John Povey. ¾ *p.* [*C.O.* 152, 5. *Nos.* 41, 41.i.; *and* 153, 8. *pp.* 228–230.]

Dec. 23.
Boston. **1413.** Minutes of Council of the Massachusetts Bay. Order for manning the *Anne* and *Mary,* two sloops lately taken up for the war.

100*l.* paid to Col. Romer on account of wages for the fortification of Castle Island.

170*l.* 15*s.* paid to Lt. Col. Tyng for soldiers raysed within the County of Middlesex for ranging the woods and posted in garrison in the several frontiers May 25–Dec. 18.

There being but a thin appearance of the Council, consideration of the winter's march deferred till to-morrow.

Dec. 24. 107*l.* 17*s.* 1*d.* paid to Capt. Wm. Tyng for wages of a foot company, Sept. 10–Oct. 30.

1703.

52*l.* 18*s.* 8*d.* paid for the garrison souldiers under Capt. Wm. Tyng at the Fort at Dunstable, May 26–Sept. 13.

6*l.* 16*s.* paid to Capt. Nathaniel Thomas for his charges at Plymouth in the care of soldiers raised *etc.*

5*l.* 4*s.* paid to Major Wm. Taylor for himself and six troopers to visit the frontiers.

H.E. communicated letters from the Colonels of Militia in several parts, referring to a winter's march to the Indian headquarters; as also a Minute of the Lt. Gov. and Council of New Hampshire advising thereto; and ordered a vote of the Representatives relating to that matter to be read. The Assembly having pass'd such a vote, the Council did not advise H.E. to march with the detach'd forces and such volunteers as should offer. But on consideration of the late intelligence of the further mischief done by the Indians, in the Eastern parts, prayed H.E. to keep so many of the forces on foot as shall be necessary for the defence of the frontiers.

27*l.* 4*s.* 6*d.* paid to Daniel Willard, Keeper of H.M. Prison in Boston, for keeping several French and Indian prisoners.

96*l.* 14*s.* 4*d.* paid to Major Stephen Sewall, Commander of the Fort at Salem, for the wages of the garrison.

40*l.* 15*s.* 3½*d.* paid to Capt. Josiah Chapin for wages of 13 soldiers posted at Oxford and Hassanamisco in ye summer past.

37*l.* 9*s.* 8*d.* paid to Col. Thomas Packer of Piscataqua for entertainment of H.E., the Genl. and Guard in Sept. [*C.O.* 5, 789. *pp.* 553–556.]

Dec. 24.
New Hampshire.

1414. Saml. Allen to the Council of Trade and Plantations. *Returns thanks* for their Lordships' Representation on his case, and as to his occupation of the waste lands *etc.* The Government to prevent my proceeding against them for usurping on my right by unlegall ways, have made two Laws which your Lordships have here inclosed, which I humbly pray may be repealed. [*These were, An Act against trespassing on Town Commons, and An Act for the Confirmation of Town Grants.—Ed.*] *Signed*, Samuell Allen. *P.S.*—I enclose my public notification to the inhabitants. *Endorsed*, Recd. 12, Read 31 May, 1704. *Holograph. Addressed. Sealed.* ¾ *p.* [*C.O.* 5, 863. *No.* 67; *and* 5, 911. *pp.* 336, 337.]

Dec. 24.

1415. Attorney General to the Council of Trade and Plantations. I have considered the abstract of an Act of Rhode Island (*see* Dec. 2) and the Charter of Charles II, and there find that the Proprietors have by that Charter power to erect only Courts for determining all actions, causes, matters and things happening within that Island, which doth not impower them to erect a Court of Admiralty, the jurisdiction of such Court being of matter arising on the High Sea, which is out of the Island; however, I cannot advise a prosecution against the Corporation to make void their Charter for making the Act for a Court of Admiralty, the same Act being only provisionall until his late Majesty's pleasure should be further known, but I think it will be proper for H.M. to declare her pleasure to determine that Act, by which I am of opinion it will be determined, being made to continue only till the pleasure of the Crown should be farther knowne, and it may be proper to acquaint the Corporation that if they make any of the like attempts for the future they shall be prosecuted for making void their Charter. *Signed*, Edw. Northey. *Endorsed*, Recd. Dec. 29, 1703. Read Jan. 4, 1704. *Enclosed*,

1415. i. Copy of Abstract of Act of Rhode Island, Jan. 7, 1694, appointing the General Council an Admiralty Court for the condemning of prizes and other sea-faring actions as occasion shall require. *Signed*, Weston Clark, Secretary. 2 *pp*. [*C.O.* 5, 1313. *Nos.* 60, 60.i.; *and* 5, 1360. *pp.* 403, 404.]

Dec. 25. **1416.** Petty expenses of the Council of Trade and Plantations. Michaelmas—Christmas, 1703. 27*l.* 18*s.* 2*d.* 1 *p.* *Endorsed*, Recd. Read Jan. 10, 170¾. [*C.O.* 388, 75. *No.* 80.]

Dec. 25. **1417.** Mr. Purcell's Account for Stationary supplied to the Council of Trade and Plantations, Michaelmas—Christmas, 1703. 17*l.* 15*s.* 8*d.* *Endorsed as above.* 2 *pp.* [*C.O.* 388, 75. *No.* 81.]

Dec. 25. **1418.** Postman's Account for postage for the same. 94*l.* 1*s.* 10*d.* (*including* New Year's Gift, 3*l.* 4*s.* 6*d.*). *Endorsed as preceding.* 1 *p.* [*C.O.* 388, 75. *No.* 82.]

Dec. 25. **1419.** Additional Account for 4 tons of Scotch coal, 8*l.* *Endorsed as preceding.* ½ *p.* [*C.O.* 388, 75. *No.* 83.]

Dec. 27. Boston. **1420.** Mr. Addington to W. Popple. *Refers to* enclosed Journals of Council and Assembly, Laws, and lists of Causes of the Massachusetts Bay. *Signed*, Isa. Addington. *Endorsed*, Recd. 29 April, Read May 2, 1704. 1 *p.* *Enclosed*,

1420. i. List of Causes heard at the Inferior Court of Common Pleas holden at Cambridge for Middlesex County. Sept. 1703. *Signed*, Ja. Russell. 1 *p.*

1420. ii. List of Causes heard at the Inferior Court of Common Pleas holden at Boston for Suffolk County, Oct. 1703. *Signed*, Elisha Hutchinson. 3½ *pp.*

1420. iii. List of Actions tried at the Superior Court of Judicature for the County of Bristol, holden at Bristol, Sept. 1703. *Signed*, Samuel Sewall. 2 *pp.*

1420. iv. List of Causes heard at the Inferior Court of Common Pleas for Newbury County, holden at Newbury, Sept. 1703. *Signed*, Nathl. Saltonstall. 1¼ *pp.*

1420. v. List of Causes heard at the Inferior Court of Common Pleas, holden at Bristol, Oct. 1703. 1 *p.* *Signed*, Nathal. Byfield, Judge.

1420. vi. List of Causes heard at the Inferior Court of Common Pleas holden at Barnestable for the said County, Oct., 1703. *Signed*, Barnabas Lothrop. ½ *p.*

1703.

1420. vii. List of Causes heard at the Inferior Court holden at Salem for the County of Essex, Nov., 1703. *Signed*, Wm. Browne, Judge. 1 *p.*

1420. viii.-xvi. Memoranda of Minutes of Council and Assembly and Laws of the Massachusetts Bay. [*C.O.* 5, 863. *Nos.* 68, 68.i.-xvi.; *and* (*without enclosures*) 5, 911. *pp.* 255–258.]

Dec. 27. Whitehall. **1421.** Earl of Nottingham to the Council of Trade and Plantations. The Queen having appointed Col. William Mathews to be Governor of the Leeward Islands in the room of Col. Codrington, H.M. would have you prepare his Instructions and Commission for her approbation. *Signed*, Nottingham. *Enclosed*, Recd. Read Dec. 31, 1703. 1 *p.* [*C.O.* 152, 5. *No.* 42; *and* 153, 8. *p.* 227.]

Dec. 28. Boston. **1422.** Governor Dudley to Mr. Popple. I am very sensible of your favour to mee in the just Representations of their Lordships *etc.* I have written alwaies with all truth and plainness *etc.* If it were possible that the neighbour Colonyes of Connecticut and Road Iland might be brought to march with us or pay a Quota, and that we might have some powder and other stores sent us, we should be in a better posture *etc.* The Council here upon consideration of a winter's march, for which in all poynts I am ready, have also declared themselves of the Representatives' mind, and I am fearful that this season will be lost. *Signed*, J. Dudley. *P.S.*—The map humbly presented to their Lordships is the most exact for this Province of any extant, it has cost mee some surveys, and is pretty well pencil'd. Amongst Mr. Addington's papers, there is the beginning of the account of Causes, which being new, if their Lordships would have them otherwise then in this form, it shall be obeyed. *Holograph. Subscribed,*

1422. i. Abstract of preceding. *The whole endorsed*, Recd. April 29, Read May 8, 1704. 3 *pp.* [*C.O.* 5, 863. *No.* 69; *and* (*without abstract*) 5, 911. *pp.* 276, 277.]

Dec. 30. Prize Office. **1423.** Commissioners for Prizes to Mr. Popple. In answer to your letter of the 21st, we have procured a copy of the condemnation of the *Neptune*, whereby 'twill appear she was condemned at Barbadoes as prize, and one moiety thereof ordered by the sentence to be distributed, and proportioned according to the meaning of H.M. Declaration dated June 1, 1702; and the other moiety ordered "to be distributed to such uses as by the Statutes or Acts of Parliament in that or the like cases are made and provided." Now upon reading the Clause, we submit it to you whether there was not ground to conceive that the Judge of that Court has at least intimated that though one moiety be liable to a division according to the Declaration, yet that the other moiety is subjected to some distribution ordered by some Statutes made in such cases; and thinking the words "Acts and Statutes" might signify something in this place, we conceived they must be interpreted of Acts of the Assembly of that Government, since there are no Statutes or Acts of Parliament here directing the manner of distribution of prizes, and therefore upon supposition that these were words of some effect (especially when used in contradistinction to the Declaration), and there being no such Statutes made in this kingdome, and upon information there hath been an Act made in Barbadoes to incourage privateers in case of a war, we were by those means induced to beleive that the Acts referred to in their sentence might be some Acts made in that Assembly concerning prizes taken by H.M. ships of war. These were the reasons for that conjecture of ours, wherein though we should possibly be mistaken by conceiving the words *Acts of Parliament and Statutes* to have signified somewhat, yet we doubt the jurisdiction of the Courts of Admiralty in the Plantations doth not extend to prizes, which however we shall not dispute though we are of opinion that, admitting a competency of jurisdiction there, those Courts should however proceed in the same methods as the Court of Admiralty of England; and that the decrees about inventorying, sale, and distribution of prizes, should be directed to be executed by us or our Agents (whom we have impowered to act in that Island), that we should not be totally excluded, not only from the management, but even from the knowledge of what is done in those Courts, that the Queen's share might be transmitted to our Treasurer for Prizes, and that the Captors' share should be duly and regularly paid them, according to the proportion specified in H.M. Declaration, and in the manner therein prescribed, which is therein required to be done, pursuant to a list transmitted from the Navy Board of the persons actually on board the ship at the time of the capture. *Refer to following. Signed*, Edw. Brereton, R. Yard, John Anstis, Ant. Duncombe. *Annexed*,

1423. i. Dec. 31. Our advocates give us the following reasons for their opinion. (1) We did not find that there is any Court legally established in Barbadoes for the condemnation of Prizes by authority from the Lord High Admiral. (2) There is no Act of Parliament now in force that directs the distribution of Prizes; the Queen's Declaration is the only Law (*June* 1, 1702), and by that one moyety of the proceed of this Prize ought to have been adjudged and distributed to the Queen, and the other moyety to the Captor, whereas the decree at Barbadoes adjudges only one moyety according to the Queen's Declaration; so that either the Queen or the Captor are to go without their just distribution. *Signed*, J. Cooke, Wm. Oldys, D. Commons. Dec. 31, 1703. *The whole* 3 *pp. Enclosed*,

1423. ii. Proceedings of a Court of Admiralty, Jan. 6, 1702, Barbadoes, condemning the *Neptune* prize and ordering distribution of proceeds, "one moyety to be distributed according to the true intent of H.M. Declaration, and the other *as supra No.* 1320. *Endorsed*, Recd. 1st, Read Jan. 3, 1703. *Copy.* 1 *p.*

[*C.O.* 323, 5. *Nos.* 33, 33.i., ii.; *and* (*without enclosures*) 324, 8. *pp.* 313–316.]

Dec. 30. Rochester. **1424.** Geo. Collinson (Judge Advocate to Adml. Benbow) to Col. Ed. Lyne. Enclosing following. *Addressed. Sealed.* ½ *p.*

1424. i. Council of War held on board H.M.S. *Bredah* near Port Royal, March 5, 170½. On news of the French fleet designed to attack this Island, our strength in shipping is so far inferior to theirs (40 sail), that oblidges us to secure H.M. ships and this Island. 'Tis our opinion that our men of war draw into a line of battle as near the Fort of Port Royal as is convenient, and what fireships we have to lie ready in the properest places to let slip as occasion may offer. 'Tis also our opinion that the French will attempt nothing less then Port Royall and Leguanee, of which, if they can make themselves masters, and destroy our ships, nothing in this Island can stand before them, or in any other of H.M. Plantations in the West Indies, and that if we find the French will force themselves into this Harbour, and it appear destructive to us by their overpowering us, 'tis our opinion that we retreat into the Channel that leads to Kingston, there as long as our ships will swim to defend that passage, for Leguanee is the security of this Island, and not Port Royal. *Signed*, Jno. Benbow, Sam. Vincent, Jno. Constable, Xpher. Fogge, Cooper Wade, Edwd. Acton, W. Russell, Richd. Paule, Jno. Redman, B. Harris, H. Mitchell, Tho. Hudson. *Endorsed*, Recd. Read Jan. 20, 170¾. *Copy.* 1½ *pp.* [*C.O.* 137, 6. *Nos.* 32, 32.i.]

Dec. 30. Newcastle. **1425.** Lt. Gov. Usher to the Council of Trade and Plantations. Oct. 15 I arrived with H.M. Commission in New Hampshire, finding the Governor then at Boston I went thither and delivered him your letters, when I returned to the Province. *Refers to enclosures.* Finding several Members refused to attend and sett in Councill, Mr. Jeffrey was summoned to take his place, not finding anything against him but a perticular quarrell, on private accts., and never charged with anything for him to answer, and not dismist in a full Council. If a fault, I throw myself at H.M. feet *etc.* Mr. Partridge and Capt. Fryer in Council desireing a dismission by advice were dismissed. I find by reason of presents Officers civil and military put in Commission by my Lord Bellomont, wch. persons many are disaffected to Crown Government and are continued in their places by Gov. Dudley, viz., Richard Walderen, Judge Inferior Court, who I find by papers on file deny H.M. subjects justice and right, when a case came before them upon a review the jury return'd, case call'd, jury sworn, plaintiffs' bill read and answer thereto, then adjourned the Court for some days, dismissed ye Jury yt. was sworn, calls another Jury and swares them, and refuses then the Defendant's plea (in point of Law), in his reply to the Bill to be admitted, and orders ye same to be crost out, I humbly think great partiallity and injustice, and many such things guilty off, and he ye onely Person makes ye Govmt. uneasy.

As to ye Province accts. from 1696, I find great summes raised. There was Acts for 1,550*l.* in Vaughan's time, find but 1,300*l.* by accts. on file for money paid, if he be in England, judge reasonable he should give security to answer for his accts., many hundred pounds being misaplyed. *Nota.* A trick of Mr. Walderen, for money pd. Partridge, instead of saying a present to pay for disbursements, when in truth not one penny for disbursements on file do appear, and for allowance of acct. there is an Act of Council and Assembly, when in truth the Assembly has nothing to do but view and examine ye accots. Such ways in wrong aplying of H.M. money hath been carryed on by Partridge and Walderen, to ye prejudice of H.M. Revenue, griefe and oppression of H.M. subjects; 'tis hoped ye moneys misapplyed by Partridge's order under his hand to ye Treasurer's, care may be taken it be repaid and aplyed for defence and support of ye Province. *Refers* to cotton wool case, and accounts of King's Stores 1696, where, instead of 20*bb.* of powder mentioned in Vaughan's Articles, there was 70*bb.* powder besides four taken out by Mr. Hinks and 2 by Mr. Elliott. Hinks and Elliott accountable for 6,170 yds. of canvas, wch. judge no account can be given. As to Hinks, Capt. of ye Fourt, ever since I arrived hath not been at ye Fourt, neither taken care for watching and warding. I therefore did give a Commission to Capt. Walton to be Capt. of the Fourt. I gave a warrant to Hinks to deliver ye Fourt and Stores to Walton, but refused as by return of sd. warrant; reasons for Gov. Dudley continuing Hinks, (1) being a Churchman, (2) first of the Council, (3) Chief Judge, wherein Mr. Allen's case is to be concerned. If ye country be lost thro' ye ignorance and remissness of ye Commander of H.M. Fourt, I think those reasons will not answer to the loss, *etc.* The Fourt's security is the winter season. I find ye whole country out of order.

The Council and Assembly upon a petition from Capt. Eason, ordered 2*bb.* powder to be paid. I was much against it, argued wt. was given to ye Queen could not be taken away again. I find a Commonwealth Governmt. they say can give and take away, and declare if be not allowed in England, will repay it, hope Orders will be to repay, though I pay my part; which will be of great service for ye future. I find an Act for 300*l.* for an Agent (Major Vaughan): the Treasurer by orders from Mr. Partridge hath paid 527*l.*,—judge Partridge accountable. I find ye Garrisons in out towns in a poor weake condition, some but 5 or 6 men, where are above 30 souls, and these men to watch, ward, and labour for subsistance of them, never visetted since 1696. Gov. Dudley hath given me copy of first Instructions and orders with them; desired if he had any other, to lett me have them, said he had none. He did freely offer me to put in new Judges, if I would name them. Answer, my Instructions forbid me. I find Judges such, judge prudence for Mr. Allen wth.

1703.

patience to sett still. The Acts of Assembly being sent home, hope three or four will not be allowed. (1) An Act for Assemblyman 3*s*. a day; there being no provision made for Members of Council. (2) An Act [*that*] Records be in Samll. Penhallow's hands till Major Vaughan returns, by wch. means copies are denied to H.M. subjects, and many torn out and defaced. The Secretary judge ought to have the Records be free for everybody, and itt's the only perquisite to his place. (3, 4, 5) Acts as to trespassing on town commons, to prevent contention about Town bounds, and to prevent trespassers cutting wood down upon lands without a fence; all which made against the Proprietor. I do not find in my Commission any power granted for Assembly to make Acts as to right of soyle; by those Acts the Proprietor hindered from cutting off the uninclosed lands.

I asked the Council whether Capt. Walton was a fit person to be Capt. of H.M. Fort, for wch. Gov. Dudley insists very much as parting wth. ye prerogative; wch. I am far from; reason for so doing, in Oct. 1696 Capt. Walton in Council laid down his Commission as Capt. of ye Fourt, going then for England. Council then declared would have him keep it, none more fit. My Lord Bellomont, when he comes, the Council tells him ye Province is not safe for ye Fourt to be in his hands, thereupon Walton is put out and Hinks put in. Now, many persons complaining of his remissness, I asked the Council as to Walton, they all answered none more fit. I vallew him above any, being loyal and a soldier, proposed only to see wt. they would say. In my letter Dec. 3 signified to Gov. Dudley wn. ye Assembly did sett, if he did see cause, should proroge them, acquainted him ye country was in debt, there was need of souldiers, arms, and ammunition for H.M. Fourt, and that aplycation to the Queen for the same might not be amiss, havein no answer, att time appointed the Assembly did sett, being a very bitter season, finding they would do nothing recommended to them, and though sett some time presented nothing to pass, did dissolve them. Judge Gov. Dudley will complain off; reason, Acquainted the cuntry was in debt 450*l*., there was absolute need of money for souldiers at H.M. Fourt, and soldiers to be in garrisons, they refused to raise any, in sending to Capt. Hinks for stores of ye Fourt to be delivered to Capt. Walton, one reason he would not deliver ye same because country owed him money, till paid, he would not deliver them. Finding ye Assembly influenced by Walderen, and this Assembly, who was only to have a view and examination of Samuel Penhallow's accots., wherein 867*l*. disposed off not for service of ye Province and yet allowed by them, that ye poor people groan by ye heavy taxes and misaplying ye Revenue, therefore dissolved them. There is no Major in ye Province. I proposed Major Smith, a loyall man, to have commission for Major, but refused. I find ye Treasuror no commission for his place, reason because the Major, Treasuror and Recorder reserved for Major Vaughan upon his arrival; none put and to be put in office but whom Partridge and Walderen advises.

For security of H.M. Fourt, pray 40 souldiers in ye Queen's pay [*and*] some powder, arms and ammunition, without wch., if the French make an attack, judge wth. a few men will take the place. When ye Govermt. in 1696 ciezed out of my hands, I was not then related to Mr. Allen, and those men now in place agt. Crown Governmt., but favoured under the notion onely they are agt. Mr. Allen's interest. I must say Partridge and Walderen governs, nothing to be done but what they are for. I find Mr. Partridge in all his time a considerable trader by shiping, none of his vessels to stop at Newcastle, where Customer and Navall Officers are, but go streight up to Portsmouth, and sometimes in two days after make their entrys wth. officers, by wch. means the Queen may be defrauded. I think may be proper that no vessel coming or going out but should stop at Newcastle to enter and clear before permitted to unload or clear out, if any would have the priviledge to unload at Portsmouth, then a waiter to be put aboard and owner pay. I find great dutys upon trade, wch. meets wth. discouragements; there is not one halfe of ye trade yt. was in 1696. There is a great waest of trees for masts, and destroying all growing timber for ye same, and am informed people for 6*s.* a year for a team permitted (by surviors for H.M.) to cut wt. they please. I find myself for Governmt. in a worse condition then formerly if any thing for H.M. service and good of ye Province, my hands tyed, unless those invested wth. Commissions will consent and perticular Walderen; if some be not made examples, the Govermt. will never be easy. As to my power as Lt. Governor by vertue of Queen's Commission, by Capts. disobeyed, I herewith send copy of my warrant to Capt. of ye Fourt disobeying; high time to have a Governor will assert H.M. prerogative and curb ye antimonarchicall principles and will not be byassed on acct. of money, till then shall not be happy. *Signed*, John Usher. *Enclosed*,

1425. i. (*a*) Lt. Gov. Usher to Governor Dudley. Newcastle, Oct. 26, 1703. When I arrived in New Hampshire, Mr. Partridge with some horse mett me at Hampton, where the Militia was not in armes, judge the Queen's Commission was to the grief of the Capt. Instead of being received with the cerimony as ought to have ben for the Commission, had the cerimony of a funeral posture. At Hampton did take the oath tendered to me by Mr. Partridge and Council; there was five at first; asked if that was all; answered, enough to make a Quorum. I marched to Portsmouth where my reception was no Militia in armes, nor officers to pay their respects. I find the Militia of Hampton and Portsmouth in the hands of disaffected persons to Crown Govt., and disloyal, as Capt. Dow and Capt. Pickerin, who did appear so to be before Lords of Trade on hearing Vaughan's articles against me; if Militia be in their hands, I expect my person to be ciezed. I gave notice to the Capt. of H.M. Fourt on the 22nd inst. I should come to visit it. I found it in a ruinous condition, and no souldiers but two old persons, which was surprizing. I ordered the Capt. to order the Militia to be in arms and himself to be there, which he refused. As to the Militia, I examined the armes of every person myself, and found not one halfe fitt for service. The Capt. ever since 1696 never called the Militia to exercise himself, though had the King's and Queen's pay *etc.* I find orders for men for H.M. Fourt from yourself, but great neglect and partiallity in Mr. Partridge, some pressed from Hampton and Exeter, none from Dover and Portsmouth, the securest and best able to send men; I find no wood, no candles for H.M. Fourt. Being informed Mr. Walderen had a Commission for Major, I sent for him, when he came understood he refused it, till he heard of his father Vaughan's arrival. Find the whole Province out of order and in a weak condition, nothing but a private interest carried on. *Quotes* part of his Commission. I have demanded a copy of your Excellency's Instructions from Mr. Partridge; he hath given me some papers as Instructions, part but not all, and not signed by your Excellency as a true coppy, I hope you will send me a true copy. I find the Sherrif a person ill affected to H.M. Government, lame, not able to do any service, refuses to appoint a Deputy, and neither him nor his Deputy did do their duty in attendance upon my comeing into the Province, but could that day serve an execution. I informe your Excellency hereof, that I may forthwith have a Sherif by you apointed, else H.M. interest must suffer. I desire for H.M. Fourt you would send me a Commission for Mr. Atkinson to be Capt. Lt. to take care of it, a blank Commission for Major Smith as Major, another blank Commission to put in the room of Pickerin, or else I must do it by virtue of my Commission, unless you give orders to the contrary. I want the Instructions as to the accounts of the Revenue, also delivering the Records into the hands of the Secretary, the which orders of the Lords is not done. I will take care they be put in execution. I find a minitt Mr. Penhallow's accots. allowed, and in ye same minitt expressed to produce his vouchers. I have great complaints of moneys raised in ye Province, and no acct. of perticulars how, for H.M. service in due time I shall inquire into, for you well know at Whitehall there will be no accots. allowed, but what has an accot, of perticulars *etc.*

(*b*) Same to same. Newcastle, Oct. 28, 1703. *Repeats matters set out elsewhere.* Desires orders to fill vacancies in Council. There is great need of field officers, therefore offer Col. Packer and Major Smith for Lt. Coll. and Major. Please to send them Commissions, otherwise shall give them, unless you forbid. I am sorry H.M. hath a Government surrounded with a publick enimy, and in all transactions no notice taken of this H.M. Government, but if at any time informed, must expect by transient discourse, which ought to be otherwise from your Officers.

(c) Governor Dudley to Lt. Gov. Usher. Boston, Oct. 28, 1703. The copy of Instructions Mr. Partridge gave you are such as I gave him. You mistake to think my Instructions are in any other form. Some I thought not needful, but at your desire they shall every one be sent you. Referring to the Fourt, there is 500*l*. raised for the bettering of it, and Col. Romer is with you for that end, and the want of armes and stores I have often notified home, and have hopes of a supply, and desire your advice and assistance, if there be any other way to obtain them in the meanwhile. I cannot suppose it best while Capt. Dow is of the Council to dismiss him, he being a Capt., but he may be made to lay down, and Pickerin being Speaker and very foreward in granting ye 500*l*. for the Castle, I am slow in it, and you have ben in the Province but 2 or 3 days, it may admitt of a little leisure. I think as well of Major Smith as yourself, and have given his name home to be brought into the Council, which when it returns (as I doubt not) will be the fittest time for what you mention. In the meantime Major General Povey shall not be wanting whenever there is need. Capt. Hinks has been there many years and severall times President of ye Councill, of the Church of England, and I am now first to be told of any neglect of his duty to the Crown, and while he is of the Council, it will be hard to remove him from the Castle, but if it be to be done, here is Walton, who hath served there faithfully long ago, and now has served the Queen in conducting a Company of Volunteers to Jamaica, has the first claim with me, but I shall do nothing in it till I hear again from you. *Refers to orders about Revenue accounts.* I desire you to put forward the accounts from 1695 to 1700, when suppose Mr. Penhallow's begins, and let there be an Order next Council to require in a short time every Treasurer to make up his acct., and transmit them to me, and there will open ye imbezlement you speak off. When there are so few persons fit for publick bussness, we must drive as we can. I had last year some directions about the Records, and something was done in Council thereabouts; what you judge meet to be done therein must be with the advice of the Council and agreable to the Law of the Province, if there be any referring thereto.

(d) Lt. Gov. Usher to Gov. Dudley. Newcastle, Nov. 1, 1703. My Commission directs me to act by the Instructions, and how to act regularly without them, know not. *Repeats statements about the Fort and*

Capt. Hinks, etc., etc. As to the Assembly, should have been glad you had explained yourself whether to permit them to set sometime and then to proroge them, or to proroge them at first meeting.

(*e*) Same to same. Portsmouth, Nov. 23, 1703. When at Boston gave acct. of my granting a Commission to Capt. Walton to be Capt. of H.M. Fourt, and a warrant to receive the stores and fort, *etc. etc.*

(*f*) Governor Dudley to Lt. Gov. Usher. Roxbury, Nov. 28. Am very sorry there is any misunderstanding between yourself and Capt. Hinks, who has been many years first of the Council and Chief Justice of ye Superior Court, from whence my Instructions will not allow me to remove him but upon a hearing in Council, *etc.*, and the great affair of the Proprietors being therefore necessarily to come before him, I have not thought it prudence to deale harshly with him ; however, I shall hear both parties before I give my opinion, but think if you had suspended him, it had been much better, and I must tell you it was a mistake to interest the Council in any Military matters, or to make a minitt of it there, because absolutely refers to the military part in which the Council as such have no interest that I at present know off. I expect to sign all Commissions in that Province myself, while I am so near that 24 hours will fetch my answer, least there be a quarrel between officers of 2 sorts *etc. etc.* You writ of a cestion of the Assembly before the ships go, if possible I will see the Assembly when they set ; however if you will communicate what you would have there dispatched, you shall not want my advice *etc.* I have directed the Commander in Chief of the Forces in the Province of Maine to give an acct. of any approach of the enimy, and desire you would use Hilton, Davis or Gilman to march 50 men into the woods for 10 days according to late Act. I am fearful the volunteers when they please will expect to disband and break in upon the right of the Government how to use them when wee please. Here has been a great noise of volunteers in these parts, but are not least benefit, and the souldiers must know wee can march them when we please without the word volunteers writt upon them, *etc.*

(*g*) Lt. Gov. Usher to Governor Dudley. Newcastle, Dec. 3. As to misunderstanding between Mr. Hinks and myself, I know of none (salveing that of the Fourtt) ; in granting a Commission to Capt. Walton (not done to infringe any powers invested in yourself as C. in C.), it was for the security of H.M. Fourt. Shall observe your Orders to grant no Commissions in your absence. As to interesting the Council in the Militia, shall not, but to ask of them the character of a person *etc.* As to ordering the Militia, Pickerin I order 10 men of his Company to march to visit the Garrisons, he ordered but 4, sent to another Capt. for six, thus I am played upon; shall sett still rather than occasion disturbances. In vissetting the Province, I find Oyster River in a bad condition, people not in garrison, Capt. Woodman justifying the same. I hope the Major General will spedily redress things. As to Capts. in the Province, I know them but by hearsay, for they have not come to me excepting two since ben here. I find the Queen's Commission as Lt. Governor insignificant, *etc.*

(*h*) Governor Dudley to Lt. Governor Usher. Roxbury Dec. 12. Nothing will please me more than a right understanding between yourself and Mr. Hinks, *etc.* I think it proper that you direct the several Capts. to attend you at the bank some proper day, when they may take directions from you, and I think one necessary one to have Dover and Oyster River immediately strictly in Garrison, having ben formerly insulted; if I know anybody that laboured to make your Commission insignificant, they should signify nothing with me, but that I may do as you desire, you will please to make mine signify what it ought, and then yours shall signify everything. I shall take notice of the rudeness of the post, though truely neither this Province nor New Hampshire hath done their duty to support that charge. I pray you to encourage the bussness of Volunteers, but not to neglect the Act of a party from time to time, *etc.* I desire the Assembly may be proroged for a month, and untill I may hope to see them, I will not have them dissolved; what is done, I desire to see by every post, and in a great occasion by express, that I may advize, *etc.*

(*i*) Lt. Gov. Usher to Governor Dudley. Newcastle, Dec. 17. Upon your motion, shall send for the officers. As to the post, judge can't take money for letters without consent of authority. Letters for H.M. service not taken care off judge punishable. In mine Dec. 3, signified if you did see cause, should proroge them. I received a line from Mr. Addington, Dec. 6, when Assembly sett, communicated same to them, but in it not a word about the Assembly. For good reasons did dissolve them; had I known your mind, they should not. As for volunteers, shall promote your desire. I think a Commission for a Major would not have been amiss. I recommended none but what true to Crown Government, though some others may make a specious pretence, for I well know most persons in the Province. I think a Major General or Major very proper to put a C. in C.'s Orders in execution, and a Major proper where 800 souldiers are, but that as you please. Whatever my Commission be insignificant, I will not countenance any one day that shall attempt to make yours. Am surprized at Assembly's [? *of Massachusetts*] vote, think they mist it much the same sperritt here in all things unless what's done must have their sanction, hope in time things will be redrest. As to Council, shall be called, but question whether shall have a Quorum, for Mr. Hinks hath refused ever since I did return to attend in Council, tho' sent to; shall avoid contending, having once already the Government ciezed out of my hands, shall not part with anything of the Queen's prerogative. I am sorry a misapprehension of my interfering on your Commission, it's far from me *etc.* I granted those which I gave acct. You having signified your pleasure therein, shall be followed, *etc.* *Signed*, Jno. Usher. *Endorsed*, Recd. April 29, Read May 2, 1704. 7 *closely written pp.*

1425. ii. Mr. Usher's Account of the present state of the Government of New England. The Indian War laying heavy upon Massachusetts and N. Hampshire, Connecticott and Road Island grants no assistance, by reason of which the Enimy is flusht, annoys without opposition, and in case H.M. doth not make us one Government as well as subjects, we are not safe, and fear the Country will be lost. As to ye humour of ye people in generall, will not be governed by one born amongst themselves, and is for Crown Government and not Common Wealth. There is such discords I fear ye saying will come to pass, a house divided cant stand. The General Assembly at Boston suddenly proroged, at same time left a noate to have ye soldiers disbanded, if anything offered by Col. Dudley, though for safety and good of ye place, coming from him will be opposed, the Government divided and in a bleeding and languishing condition, may well have the motto, Come over and help us. If the Government from Connecticutt to the Eastward (as in Sir E. Andros' time) be under one Governmt., may be well, and lett but ye Tax in Sir E. Andros' time, for 1*d.* on the 1*l.* yearly with dutys and excise be ordered, that will be enough to pay the Governor, Officers and incident charges, and lay money in Treasury; unless be war time as may be seen by my accts. when Treasurer. *Nota.* The Acts of 1*d.* in ye £ yearly and dutys of impost and excise was made by Boston Goverment without limmitation as to time before Sir E. Andros did arrive, the said Acts continued by him, the same justifiable under ye hands of ye Attorney General and Solicitor General. When ye Government was by Boston people ciezed out of Sir E. Andros' hands, they writ to the King they ciezed for him, and should only keep the peace till his pleasure known, so from 1689 to 1692 had nothing to do to make Laws, raise money and press men to march out of ye Government, and now ye Enimy in ye Government, they refuse to defend out parts, and engage ye enimy. One year more of such proceedings will certainly loose the country. The Country for setting up Common Wealth Governmt., high time to curb it; when they had ye Governmt. in 1689 to 1692 ye expedition to Canada stood in 100,000*l*. Province New Hampshire I did find in a poor condition, the Fourt out [*of*] repaire, not one gun could be fired to hitt a ship. There is need of a Company of souldiers at ye Fourt, without which it is not safe. There is need of 50*bb*. powder, 100 small arms and ammunition, and also need of a gunner, which I humbly pray H.M. to grant. I find great sums of money raised since 1696 *etc. Repeats former criticisms.* "Partridge and Walderen a noli me tangere. . . . Soldiers pressed by Partridge to secure Portsmouth and his own person, and H.M. Fourt neglected, *etc.* My Lord Bellomont gave Commission to Robert Armstrong for Naval Officer; Wm. Partridge takes away his Commission, gives the place to Sampson Sheafe; finding him not for his turn, takes it away, gives it to Theodore Atkinson, a great trader in shiping and not sworn. When I arrived in New Hampshire as John Usher had great respect, but when came into the Province to publish the Queen's Commission, the contrary, *etc. Repeats part of preceding. Endorsed as preceding.* 1½ *closely written pp.*

1425. iii. Copy of Mr. Attorney and Solicitor General's Opinion, Dec. 2, 1689, relating to warrants issued for raising money by Mr. Usher, Receiver General of New England in 1686. *Endorsed as preceding.* 2½ *pp.*

1425. iv. Minutes of Council in Assembly of New Hampshire, July 13, 1696, Newcastle. The L.G., having laid before the Assembly the methods he had taken for securitye of the Province, demanded to know what irregular method he had taken. Answered, they knew of none, but what was for the good of the place. He demanded of both Houses if he had taken any wrong methods or ill conduct. Answered, Noe. *Endorsed as preceding.* 1 *p.*

1425. v. Minutes of Council of New Hampshire, Hampton, Sept. 24, 1696. Capt. Walton demanded of the Council, whether it was their pleasure he should leave the Fort. Answered, Noe, they thought noe person fitter in the Province. *Subscribed*, Note by Mr. Usher pointing out the inconsistency of the Council's behaviour. 1 *p.*

1425. vi. Minutes of Council of New Hampshire, Newcastle, Sept. 29, 1696. The Board confirmed above opinion. Capt. Walton desiring to know whether he was fit to serve H.M. in the station of a J.P., Answered, Yes. ¾ *p.*

1425. vii. *Extract from* Minutes of Council of New Hampshire, Nov. 4, 1703. relating to Capt. Hinkes. *See under date.* ¾ *p.*

1703.

1425. viii. (*a*) Shadrach Walton to [*Lt. Gov. Usher*], Newcastle, Nov. 20, 1703. According to your warrant, I demanded the Fort and Stores of Mr. Hinks; his answer was that himself was Commander in Chief in your Honour's absence, and that he had his Commission from H.E., and till he had a warrant from him, he should not deliver. Also, that the Province owed him a great deal of money, and he would keep the stores until he could be told how to come by his money. He receives the 3*s.* which belongeth to the Governor and signs the passes as President. *Copy.* ½ *p.*

(*b*) John Hornabrook to [? *Lt. Gov. Usher*]. On Aug. 10 the French and Indians brook the peace and fell upon severall places at once, viz., Cascow, Blackpoint, Cape Elizabeth, Perpudook, Saucoa, Winter Harbour and Wells; destroyed all the Cattle and all the Inhabitants they could ketch in their owne houses. At Purpudock they ript up one Goody Webber that was big with child, and laid her child to her breast, and so left her. At Sparwink River they knockt one Jordan's sucking child's brains out agt. a tree. The Father of said child seeing the Indians approach went in a frindly manner to meet them, thinking of no danger, and shook hands with them, and as he was so doing they knockt out his brains and scalp'd him, and took several families and carryed them away captives; they killed abundance of cattle and left them untouched. There was above 1,500 bushels of Indian corn, besides other grain, standing in the fields E. of Wells, which the Indians took possession of, nobody venturing to destroy it or take it away. There is quite contrary methods now taken then was in Sir E. Andros' time, who took ye most effectual way to destroy them and root out ye very memory of them from ye Eastward. In Sept. there was 19 men killed at Blackpoint about ¼ mile from the Garrison, Capt. Willard being then in the garrison by order of ye Governor, who as soon as ye men were killed, he run out of ye Fourt wth. all his men aboard a sloop, and left but 8 men behind, wch. belonged to said Garrison, who were forced to desart ye Fort. The men killed are to this day left unburied. J.H. was an eyewitness to most of these transactions. *Copy.* ¾ *p. The whole endorsed as preceding.*

1425. ix. Account of H.M. Stores in Fort William and Mary, Sept., 1696. *Copy. Endorsed*, Recd. April 29, 1704. 1 *p.*

1425. x. Account of Money issued out of H.M. Revenue since 1698 by order of Lt. Gov. Partridge. *Total*, 2,552*l.* 19*s.* 6*d.* *Same endorsement.* 1 *p.* [*C.O.* 5, 863. *Nos.* 70, 70.i.-x.; *and* (*without enclosures*) 5, 911. *pp.* 260–273.]

Dec. 30. Boston. **1426.** Minutes of Council of the Massachusetts Bay. Draught of a Commission to Major General Thomas Povey *etc.* for holding

1703.

Court Martials pursuant to the Act for punishing soldiers approved.

4*l*. 10*s*. paid to Col. John Wainwright for subsisting 40 souldiers in their march to Piscataqua in Aug.

3*l*. 15*s*. paid to William Lakeman for hire of his shallop *etc.*

Dec. 31. 206*l*. 5*s*. 6*d*. paid on account of wages *etc.* of the Foot company under Capt. Thomas Harvey.

83*l*. 6*s*. paid to Capt. Benjamin Willard and his foot company.

78*l*. 2*s*. 7*d*. paid to Lieut. Thomas Fiske and his foot company.

8*l*. 14*s*. 7*d*. paid to Capt. Simon Willard and his foot company, Sept. 26—Oct. 16.

12*l*. 12*s*. 10*d*. paid to the same, Oct. 14—Nov. 9. [*C.O.* 5, 789. *pp.* 556–559.]

Dec. 31. Whitehall. **1427.** Journal of Council of Trade and Plantations. Letter from Lt. Gov. Usher, Nov. 1, read.

Mr. Bridger desired their Lordships to take into consideration ye Order of Council, Dec. 9, relating to his accounts; whereupon the same was read; and their Lordships observed to him that the papers thereunto annexed are imperfect, in that there is no account of the money he has received, so that it is impossible to state or ballance them. He promised to lay a more perfect account before the Board.

Letter from Lord Nottingham, Dec. 27, read.

Petition *etc.* of Mr. Baber read. Resolved that the same be more particularly considered at a full Board. [*C.O.* 391, 16. *pp.* 341, 342; *and* 391, 97. *pp.* 817, 818.]

[? 1703.] **1428.** Some proposals for the settling Jamaica, easing the Crown of the future charge of sending standing forces, and the increasing H.M. Customs, and encouraging Navigation and Trade. H.M. to authorize some fit person to raise 2 or 3,000 Scotchmen, to have free passages and 3,000*l*. amongst them on arrival, and to be settled on some 50,000 acres between the N.E. side of Rio Grandy and the S.E. side of Port Morant; each man to have 7 or 8 acres allotted him and 10 or 20*l*. *etc. etc.*

The gross produce of one *hhd.* of sugar in London (1703) is 25*l*.; Custom, freight, and other constant charges, 4*l*. Remains to the planter or importer, 21*l*. *etc.* No date or signature. 2 *closely written pp.* [*C.O.* 137, 45. *No.* 59.]

[? 1703.] **1429.** Peter Sonmans to the Earl of Nottingham. Mr. Basse, by his indiscreet and unhandsome behaviour when last in ye said Province so disobliged and disgusted many of the inhabitants that his appearing under any Commission will revive and increase the disorders *etc. etc.* Prays that the warrant by which he was appointed Secretary of New Jersey may be withdrawn and assigned to him. *No date.* [*C.O.* 5, 980. *No.* 32.]

[? 1703.] **1430.** Jeremiah Basse to the Earl of Nottingham. Sonmans promised to supply the money to pass his patent for Secretary of New Jersey, but instead went underhand to intercept his place

1703.

and patent. *Prays* the liberty of passing the patent, or he and his family will be utterly ruined and undone. 1 *p.* [*C.O.* 5, 980. *No.* 33. *No date.*]

1431. Abstract of Grants of Lands, New York. [*C.O.* 5, 1134. *p.* 74.]

1432. List of Grants of Lands, with quit rents, in South Carolina. [*C.O.* 5, 398. *pp.* 18–20.]

1433. Copies of Governors' Instructions issued in 1703 and calendared under dates. [*C.O.* 5, 188.]

1434. Acts of Antigua. [*C.O.* 8, 3. *pp.* 144*ff*; *and* 8, 1. *pp.* 189*ff*.]

1435. Acts of Barbados. *Printed.* [*C.O.* 30, 4. *pp.* 204*ff*; *and* 30, 1. *pp.* 157*ff*; *and* 30, 3. *pp.* 374; *and* (MS.) 30, 6.]

1436. List of Acts of Barbados, Jamaica, Bermuda. [*C.O.* 5, 274.]

1437. Acts of Bermuda. *Printed.* [*C.O.* 39, 2. *pp.* 65*ff*; *and* (MS.) 39, 4.]

1438. Acts of South Carolina. *Printed.* [*C.O.* 5, 411. *pp.* 91*ff*.]

1439. Acts of Jamaica. *Printed.* [*C.O.* 139, 8. *pp.* 95*ff*; *and* (MS.) 139, 9.]

1440. Acts of the Leeward Islands. [*C.O.* 154, 6. *Passim.*]

1441. Acts of Maryland. *Printed.* [*C.O.* 5, 730.]

1442. Acts of the Massachusetts Bay, 1703. *Printed.* [*C.O.* 5, 772. *pp.* 221–226; *and* 5, 773. *pp.* 143*ff*.]

1443. Acts of Nevis. [*C.O.* 185, 3. *pp.* 42*ff*.]

1444. Acts of New Hampshire. *Printed.* [*C.O.* 5, 951. *pp.* 5*ff*.]

1445. Acts of New Jersey. *Printed.* [*C.O.* 5, 1005. *pp.* 1, 2; *and* 5, 1004.]

1446. Acts of New York. *Printed.* [*C.O.* 5, 1143. *pp.* 56*ff*; *and* 5, 1145, 1146; 5, 1144. *pp.* 63*ff*.]

1447. Acts of Virginia. *Printed.* [*C.O.* 5, 1380, 1381, 1382.]

1703*ff*. **1448.** MS. Index of B. T. documents relating to the Leeward Islands [*C.O.* 326, 42]; Newfoundland [*C.O.* 326, 45]; to

1703.

Miscellanies (1696*ff*) [*C.O.* 326, 5.i.]; Hudson's Bay (1696*ff*) [*C.O.* 326, 38]; New Jersey (1702*ff*) [*C.O.* 326, 25]; Proprieties [*C.O.* 326, 30]; Bermuda [*C.O.* 326, 36]; Barbados [*C.O.* 326, 34]; New York [*C.O.* 326, 27]; New England [*C.O.* 326, 21].

[1700-1706.] **1449.** Copies of warrants and commissions. [*C.O.* 324, 28.]

1450. Copies of grants, warrants, commissions etc. [*C.O.* 324, 29.]

[1699*ff*.] **1451.** Index to letters and Representations of the Board of Trade. [*C.O.* 326, 2; *and* 326, 3.]

ADDENDA.

1702.
July 23.

1452. Address of the President, Council and Assembly of St. Christophers to Governor Codrington. Next to the especiall Providence of Almighty God, we humbly begg leave to present our most hearty and unfeigned thanks to your Excellency by whose prudent conduct and early zeal the French King's parte of this Island is happily reduced under H.M. obedience, and our estates, wives and children preserved unto us. Wee haveing a just sense of your Excellency's indefatigable care in this service, whereby H.M. enemies were so surprized as to be extreamly glad to embrace the first offer of a capitulation, and by a surrender give that glory and honour to your Excellency's prudence which they were sensible your courage would have reduced them to, Request your Excellency would do us the Honour to accept a peice of Plate of 50*l.* with a proper Inscription thereon, and 50 negroes according to the Act past unanimously by us to that purpose as a Demonstration of our sincere gratitude. *Signed,* Mich. Lambert, President, James Ward, Speaker. *Endorsed,* Recd. from Mr. Cary. Recd. Read March 10, 170$\frac{2}{3}$. 1 *p.* [*C.O.* 152, 5. *No.* 5.A.]

1703.
March 30.
Boston.

1453. Jahleel Brenton to the Council of Trade and Plantations. March 30, 1703. Your Lordships having been pleased formerly to honour me with your commands to lay before your Lordships an account of sundry affairs relating to these Plantations, I humbly offer an account of the circumstances of this country relating to wool and the wool Acts *etc.* The greatest part of the sheep in New England have been raised upon the Islands, viz. the Islands of Nantucket, Martin's Vineyard, and severall small Islands in this Bay; Rhode Island, Block Island, Quononicot Island, and severall small islands in the Narraganset Bay, and the reason is because the wolves are very numerous on the Main, tho' some sheep are raised allso on tracts of land bordering upon the sea, and near Boston, but the inland townes can raise very few sheep without the charge of sheapherds, and by reason that the hire of servants and labourers is very dear in this country, till now it has not been thought it would quit the charge of keeping sheapherds for raising any number of sheep in those townes, the aforesaid Islands, for the greatest part, having formerly supplyed them wth. wool, but since the wool Act has been in force, we have used our endeavour to prevent the carrying wool from these Islands to the Main, but I do think it impossible wholly to prevent it, for some of these Islands ly very near the Main, in some places half a mile, and in some but a quarter of a mile distant from it, and the country so large, and the officers so few, that it may be carryed by small boats and canoos in the night from one place to another notwithstanding all that the officers can do, but the Inhabitants cry aloud, that this Act does not intend to hinder the carrying wool by water from one place to another place in the same Colony, of which opinion allso are most of the lawyers here. But tho' it's impossible for the Officers of the Customes here wholy to prevent the carrying wool from the Islands to the Main, yet it has had this effect, those inland Townes before mentioned not being able to supply themselves with wool from the Islands, but by stealth, nor without a great deal of trouble, charge and hazard, are now endeavouring to raise sheep and keep them by sheapherds. Upon a jorney which I lately took in the country, I made it my business to be informed herein, and I find that in some inland townes, where formerly there were not 100 sheep kept, there will be in as short a time as possible 1,000, and those Islands which formerly used to supply these inland townes with wool, do now work up their owne wool for their owne wearing apparell in much greater quantities then formerly they used to do, for they used to sell most of their wool for money, and therewith purchase a finer sort of the woollen manufacture of England then they can make of this country wool, it being a very course wool. According to my promise, Feb. 28. 1699, I have paid Capt. Ichabod Plaisted his salary to 25th of this month, tho' I have not received any salary at the Navy since Midsummer 1701. By the next opertunity I hope to send your Lordships sufficient proof that there has not been any such waste and spoil of timber *etc.* as Mr. Wallis and others have represented, and Mr. Wallis has here said he designed to get the place of Surveyor of the Woods for himself, and with all humble submition to your Lordships, I conceive that the hopes of that were the chief motives that induced him to make those complaints, and that if he could obtain that office, he should be enabled to oblige those who should get masts for him to do it on cheaper terms. About July 1st last Mr. Wallis sent me from Piscataqua an order from the Lords of the Privy Council, April 12, 1702, whereby I was directed to set out to him such masts and timber trees belonging to H.M. as should be requisite in order to be transported *etc.* according to his contract, a copy whereof I should therewith receive. But there was no copy of a contract therewith, and when I asked Mr. Wallis about it, he gave me such an answer as makes me believe he took out the copy of the Contract.

In 1699 I presented to your Lordships an account of gold and silver belonging to Robert Munday, a Privateer, which was seized by the Governmt. of Rhode Island in 1698. This acct. was signed by Nathaniel Coddington and Robert Carr. I lately made enquiry at Newport how that mony was disposed of, and finde it was put into the hands of Saml. Cranstone, Governor of that Colony, who by the account that he now gives of it, makes it much less then I think it was, and there being no attested coppy of the acct. to be found in Newport, I humbly pray your Lordships would grant me that accot. which I delivered your Lordships.

1703.

Signed, Jahleel Brenton. *Endorsed,* Recd. Nov. 22, 1703. Read March 28, 1704. 2 *pp.* *Annexed,*

1453. i. Abstract of preceding. 1¼ *pp.* [*C.O.* 5, 863. *Nos.* 14.A., 14.A.i; *and* (*without abstract*) 5, 911. *pp.* 227–231.]

Aug. 1. **1454.** Attorney General to the Council of Trade and Plantations. I have considered the Acts of Barbados, May–Nov., 1701, which I conceive are agreable to law and justice, and doe not contain anything prejudiciall to H.M. royall prerogative. The last Act, for giving 2,000*l.* to the Lord Grey, being only conditionall, if H.M. shall permitt the same to be paid by her Royall warrant. *Signed,* Edwd. Northey. *Subscribed,* This report having been promised to be called for by Mr. Bridges hath layn for him ever since ye date of it. *Endorsed,* Recd. Nov. 4, 1703, Read July 21, 1704. 1⅓ *pp.* [*C.O.* 28, 7. *No.* 10; *and* 29, 8. *pp.* 447–449.]

GENERAL INDEX.

GENERAL INDEX.

A

Aalves, George, 981 XII.
Abeel, John, documents signed by, 29 III., 748.
Abraham, ship, 616.
Abrahams Ostergande, ship, 646 I., V., 923 V.
Accomack County (Va.), 523, 981 XII., 1176 XII.
Acton, Captain, 1224 I.
......, Edward, letter from, 583.
......, ..., document signed by, 1424 I.
Adams, Eleazar, 739.
......, James, petition of, 515.
......, William, 769.
Addington, Isaac, Secretary of Massachusetts, 93, 739, 798, 920, 939, 1087, 1344, 1398, 1422.
......, ..., letters from, 160, 240, 1420, 1420 I.-XVI., 1425 I. (i).
......, ..., letter to, 240.
Addison, John, 434 I.
Adiawando (Indian), 996.
ADMIRALTY, Lords Commissioners of the, 23, 661, 1321, 1359, 1401, 1406.
......, Secretary to. *See* Burchett, J.
......, Lord High Admiral. *See* DENMARK, Prince George of.
......, Judge of. *See* Hedges, Sir Charles.
......, Courts erected in the American Colonies. *See* Courts.
......, Advocate to. *See* Newton, Henry.
......, ..., letters, &c., to, 75, 252, 406, 485, 526, 552, 1322.
......, ..., letters, &c., from, 140, 163, 170, 192, 526, 661, 965, 1322, 1371 I.; *and see* Burchett, Josiah; DENMARK, Prince George of.
......, representations from [1696], Newfoundland convoys, 382 I.
Admiralty, Lords Commissioners of the, representations from—*cont.*
......, ... [1703], naval stores, 502, 541, 541 I., 972.
......, ..., Admiralty Courts, 1279; *and see* COURTS.
......, passes, 914.
Adventure, H.M. ship, 867.
Advice, H.M. ship, 29, 29 II., 74.
Ahawton, William (Indian), 956.
African Company, the Royal, 909, 1158.
Akers, Christopher, 1327 V.
ALBANY, 29, 41, 388 I., 533, 570, 571, 575, 585, 591, 610, 616, 733, 835, 861, 905, 1018, 1078, 1126, 1145, 1150, 1190, 1395.
......, conference at, 18 I.
Albemarle, Duke of. *See* Fitz-James.
Albuquerque, Marquis d', 22, 124.
Alexander, Philip, document signed by, 450 XVIII.
......, Robert, document signed by, 450 XVIII.
Alford, Benjamin, 902.
ALGIERS, and the Algerines, 206, 914.
Alkins, Patience, 1070.
All Faith's, parish (Maryland), 379.
Allamby, William, 1063, 1102.
Allehorne, Mrs., 1150 II.
Allen, Arthur, 516, 523.
......, ..., petition of, 516.
......, ..., document signed by, 981 VII.
......, James, 320, 380.
......, Jedadiah, 1249.
......, Joseph, 1385.
......, Nehemiah, 15 I.
......, Samuel, proprietor and late Governor of New Hampshire, 204, 265, 269, 501, 545, 580, 587, 627, 1425.
......, ..., memorials from, 65, 66, 66 I., 96, 132, 134, 199, 199 I., II., III., 204, 564, 590, 603, 649 I., 672, 698, 715, 730, 789, 1094, 1198, 1214, 1398, 1414.
Alleyne, Abel, 259, 769, 1052, 1195, 1223 III. (*b*).
......, Reynold, 1063.
Amasconty, 1398.
Amboy. *See* Perth Amboy.
Ames, John, 30 IV.
Amesbury (Mass.), 433, 739.

American Colonies, appeals from, 890 ; *and see* Courts.
......, Governors of, letters, instructions, to, 6, 121, 472, 487 i., ii., iii., 490, 508, 509, 513, 540, 545, 566, 570, 576, 578 i., 590, 619, 715, 1222, 1240, 1243, 1433.
......, ..., arrest and prosecution of. *See* Attorney-General.
......, ..., salaries of, 409, 437, 471, 473, 490, 513, 528, 536, 554, 566, 570, 576, 578, 578 i., 586, 593, 594–602, 619, 627, 629, 630, 631, 633, 634, 635, 674, 831, 844, 865, 870, 885, 888, 914, 927, 996, 1055, 1066, 1067, 1075, 1094, 1111, 1125, 1205, 1223 viii., 1266, 1386.
......, President and Council, government by. *See* Barbadoes ; Maryland ; Virginia ; Massachusetts ; Nevis ; Pennsylvania.
......, Vice-Admiralty in. *See* Courts.
......, coinage, currency in, 208, 576, 609, 656, 747, 772, 825, 851, 866, 892, 1299 ; *and see* Virginia ; Pennsylvania ; Antigua ; Jamaica ; Massachusetts ; Maryland ; New York.
......, courts of justice in, 590 ; *and see* Courts.
......, ..., admiralty, 745 i., 1359 ; *and see* Courts.
......, ..., chancery. *See* Courts.
......, defences of, state of, 533, 540 ; *and see* Trade, Council of (Representations).
......, denization of foreigners. *See* Antigua ; Jamaica ; Leeward Islands.
......, engineers in. *See* Romer, William ; Lilly, Christian ; Roope, John ; Richards, Michael ; Sherrard, Captain ; Hayes, Captain.
......, French in. *See* France.
......, ..., war with. *See* France.
......, impressment of seamen, 846 ; *and see* Jamaica ; Virginia.
......, mortality, pestilence in. *See* Barbados ; Jamaica ; New Jersey ; New York.
......, naval stores, undertakers for producing, 303 ; *and see* Naval Stores ; New England ; Wharton, William.
......, navigation, security of, 1208 i. ; *and see* Trade, Council of (reports from).
American Colonies—*cont.*
......, packet-boats to, 317 ; *and see* Jeffreys, Sir Jeffrey ; West Indies.
......, pirates, commission for trial of, in the Plantations. *See* Pirates.
......, proprietary colonies, steps taken towards reassuming to the Crown. *See* Proprietary Colonies.
......, Quakers in. *See* Quakers.
......, timber in, stores of war for. *See* Naval Stores.
......, trade, 317, 373, 1170 ; *and see* Jeffreys ; Quarry, Robert.
......, ..., acts of, enforcement of. *See* Trade and Navigation.
Amity, sloop, 1014 xxxix., xliv., xlviii., li., 1158.
Anderson, Charles, documents signed by, 981 vi.
......, George, document signed by, 450 xviii.
......, William, 620, 1249.
Andover (Mass.), 433, 739, 929.
Andrewes, —, deceased, 682, 688, 742, 1223.
Andrews, William Francis, 572, 1065, 1091.
Andros, Sir Edmund, late Governor of Maryland, 1150.
......, ..., late Governor of New York, 13, 500, 1425 ii., viii. (*b*).
Anglesey, H.M. ship, 164, 453, 737.
Angola, frigate, 1115, *p.* 616.
Anjou, Duke of, 1090.
Ann, Cape, 269.
Ann, galley, p. 85.
Annapolis, 260, 450, 575, 616.
Anne, Fort (New York), 1145.
Anne (mulatto), 535 xi.
......, ..., deposition of, 535 xii.
Anne, Queen, accession, proclamation, of, 16, 31 iv., v., 1158.
......, letters, instructions, from, 233, 265, 356, 356 i., 367, 536, 552, 559, 593–602, 643, 645, 704, 812, 826, 865, 870, 944 iii., iv., v., 1067, 1070, 1075, 1320, 1320 i., 1185, 1201, 1223, 1245, 1253, 1358, 1401, 1410, 1411 ; *and see* Secretary of State.
......, ..., ..., [1702], 19, 222, 481, 492, 521, 522, 557, 558, 559, 722, 732, 1023, 1074 ; *and see* Secretary of State.
......, Orders in Council :—
[1699], 98, 914.
[1701], 147, 152.

ANNE, Queen: Orders in Council—*cont.*
  [1702], 3, 20, 21, 23, 28, 66, 67, 68, 69, 96, 97, 98, 101, 102, 134, 158, 167, 204, 215, 218, 226, 241, 250, 479, 490, 563, 593, 880, 1002, 1014.
  [1703], 139, 142, 145, 146, 174, 175, 179, 180, 181, 183, 188, 197, 201, 202, 204, 214, 216, 219, 220–224, 233, 234, 245, 249, 256, 313, 372, 375, 382, 405, 406, 408, 409, 411, 416, 427, 483–486, 490, 540, 541, 542, 545, 554, 565, 566, 570, 586, 587, 590, 614, 615, 619, 635, 637, 641, 647, 648, 649, 650, 662, 668, 669, 671, 675, 687, 699–703, 715, 732, 741, 788, 794, 803, 812, 813, 838, 840, 847, 879, 894, 895, 904, 911, 930, 937, 971–977, 989, 1006, 1027, 1028, 1053, 1077, 1080, 1100 II., 1121, 1151, 1158, 1251, 1253, 1254, 1255, 1256, 1279, 1295, 1304, 1305, 1306, 1307, 1371, 1391, 1401, 1407 I., 1408, 1410, 1412.
……, petitions, addresses, reports, representations, &c., to:—
  [1699], Colleton, Sir John, 98, 98 I.
  [1701], Virginia, Council and Burgesses of, 558; *and see* New York.
  [1702], Commons, House of, address from, 481.
  Leeward Islands, laws of, 474, 475, 495.
  New England, naval stores, 404; *and see* Naval Stores; DENMARK, Prince George of.
  Newfoundland, Carbonier, inhabitants of, 1, 324; *and see* Carbonier.
  New Hampshire, Governor of, 3, 8; *and see* Dudley, Joseph.
  ……, laws of, 67, 68.
  ……, proprietor of, 65; *and see* Allen, Samuel.
  New York, laws of, 96, 100, 102, 250.
  ……, Council of, 96, 100, 100 I.
  Rhode Island, Governor and Company of, 401 III., IV.
  St. Kitts, defences of, 23; *and see* St. Christopher's.

ANNE, Queen: petitions, addresses, reports, representations, &c., to:—St. Kitts—*cont.*
  ……, laws of, 23, 32, 69.
  ……, Lieut.-Governor of, 120.
  Virginia, addresses from, 450 XVII., XVIII., XIX.
  ……, merchants trading to, 38 I., II., III.; *and see* VIRGINIA (naval protection).
  [1703], American Colonies, Admiralty Courts, jurisdiction of, 1279.
  ……, currency in, 892, 1299; *and see* AMERICAN COLONIES.
  ……, Governors of, salaries of, 536, 578; *and see* AMERICAN COLONIES.
  ……, naval stores from. *See* New England (*below*).
  ……, Royal Arms for, 374.
  Antigua, laws of, 665; *and see* ANTIGUA.
  Barbados, Governor of, 215, 215 I.; *and see* Granville, Sir Bevil.
  Bermuda, Lieut.-Governor, 628; *and see* Larkin, George.
  ……, Secretary of, 1282; *and see* Jones, Edward.
  Denmark, Prince George of, trial of prizes, 1279. *See also* Prizes.
  Jamaica, Governor of, instructions to, 891; *and see* Handaside.
  Jews in, 384, 384 I.; *and see* JAMAICA.
  ……, laws of, 689, 691.
  ……, merchants and planters of, 1224.
  ……, Port Royal. *See* Port Royal (*below*).
  ……, freeholders of Port Royal, 1082; *and see* Port Royal.
  ……, privateers, encouragement of, impressment of seamen in, &c., 1179.
  ……, regimental officers, pay of, 1100, 1100 II., 1149 I., 1256.
  Leeward Islands, Governor of, 407, 411; *and see* LEEWARD ISLANDS (laws of).
  ……, laws of, 689, 692.
  Long Island, propriety of, 416.

ANNE, Queen: petitions, addresses, reports, representations, &c., to—*cont.*

Maryland, Act for Religion, 201 ; *and see* MARYLAND.

......, Governor of, 172, 172 i.

......, ..., instructions to, 434, 434 i. ; *and see* Seymour, John.

......, merchants trading to, 38 i., ii., iii. ; *and see* MARYLAND (naval protection).

Massachusetts, defences of, state of, &c., 611, 687, 687 i., 922.

Montserrat, laws of, 666 ; *and see* MONTSERRAT.

Nevis, laws of, 1005 ; *and see* Northey, Sir Edward.

New England, naval protection for, 641, 646.

Newfoundland, defences of, troops in, &c., 475, 479 ; *and see* Thurston, John ; TRADE, Council of (representations from).

New Hampshire, defences of, 687, 687 i.

......, state of defences of, 611, 922, 1025 ; *and see* NEW HAMPSHIRE (defences).

......, laws of, 1214.

......, Lieut.-Governor of, 612 ; *and see* Partridge, William.

......, ..., 788 ; *and see* Usher, John.

......, ..., commission for, 640, 640 i. ; *and see* Usher, John.

......, propriety of, lands n. 564, 580 ; *and see* Allen, Samuel.

New York (Atwood, Weaver), 181, 181 i. ; *and see* Atwood, William.

......, defences of, state of, 533, 540.

......, East Chester, town of, 251 ; *and see* East Chester.

......, Governor, Council, and Assembly of, 29 iii., iv., 37.

......, laws of, 471, 475.

......, ..., [1700], 226 ; *and see* East Chester (*above*).

......, Representatives, address from, 29 iv. ; *and see* NEW YORK.

ANNE, Queen: petitions, addresses, reports, representations, &c., to—*cont.*

......, stores of war for, 622, 622 i., 647, 647 i.

Pennsylvania, Deputy-Governor of, 878, 878 i., 937 ; *and see* Evans, John.

......, Three Lower Counties of, 218 ; *and see* Hamilton, Andrew ; Penn, William.

Poole, merchants of, 156, 156 i. ; *and see* NEWFOUNDLAND (merchants).

Port Royal, re-settling of, 621, 623 ; *and see* Port Royal.

St. Christopher's, Lieut.-Governor of, 834 ; *and see* Tryon, Rowland ; Hamilton, Walter.

Virginia, Attorney-General of, 889 ; *and see* Thompson, Stephens.

......, convoys for, 427 ; *and see* Virginia (merchants).

......, clergy of, address from, 981 vi.

......, grand jury of, address from, 981 vii.

......, quota of assistance to New York, 558, 944 iii. ; *and see* NEW YORK (defences of).

West Indies, H.M. forces going to, 192.

Bellomont, Countess of, 278, 279 ; *and see* Bellomont.

Jeffreys, Sir Jeffrey, 317, 317 i. ; *and see* Jeffreys.

Lee, Robert, 142, 142 i., 233.

Lord High Admiral (*Golden Lion* and *Baltimore*), 145 ; *and see* DENMARK, Prince George of.

Trade, security of, 1208, 1208 i. ; *and see* TRADE, Council of (reports from).

Anne, sloop, 1413.

Annopeton, p. 903.

Anstis, John, a Commissioner of Prizes, documents signed by, 1291, 1423.

ANTIGUA, 40, 163, 200, 230, 298, 323, 362, 453, 538, 737, 791 i., 921, 950, 1015, 1041, 1068, 1158, 1276, 1319.

......, Governor of, salary of, 536 ; *and see* AMERICAN COLONIES (Governors of).

Antigua, Governor of—*cont.*
......., ... *See* Codrington, Christopher.
......., ..., salary of, 536; *and see* AMERICAN COLONIES (Governors of).
......., Governor and Council of, 1270.
......., Agent for. *See* Cary, Richard.
......., Councillors, 1026, 1026 I.
......., currency in, 590; *and see* AMERICAN COLONIES(coinage).
......., defences of, stores of war for, 116, 298, 570.
......., denization of foreigners. *See* LEEWARD ISLANDS.
......., laws of, 107, 455, 662, 665, 671, 741, 803, 838, 1434.
......., militia in, 665.
......., negroes, 665, 1270.
......., Papists, settlement of, in. *See* LEEWARD ISLANDS.
......., servants, 665.
......., trade of, 849.
Appleton, John, 30 V.
......., Samuel, 760, 775.
Aquilapaca, —, 658.
Aquitaine, 1338.
Archbould, James, 173, 439, 447, 938, 998, 1024, 1048, 1058, 1097.
......., ..., document signed by, 1046.
Archer, Anne, 428, 439, 493, 938, 953, 968, 970.
Archershope (Va)., 493.
Argent, John, junr., document signed by, 1014 LIII.
Argles. *See* Orgile.
Arhard, Thomas, 1014.
Armistead, Anthony, 494, 516.
......., ..., petition of, 521.
......., William, 494.
Armstrong, Robert, 309, 1425 II.
......., ..., deposition of, 206 III., 277, 279.
Arnell, Edward, 86, 457, 912, 1195, 1241, 1343.
...., petition of, 1195.
Arnold, Captain, 1115.
Arnott (Arnett), Alexander, 457.
......., Mary, 457.
Aronoco, 450 I.
Asher, —, 134.
Ashhurst, Sir Henry, late Agent for New Hampshire, 265, 455, 673, 911, 965.
Ashley, Maurice, document signed by, 1268.
Ashley River (Carolina), 1377.
Ashton, —, 1150 III.
......., Charles, 494.
......., Henry, 494.
......., Robert, 15 I.
Aske, Benjamin, document signed by, 42 II.
Aslebee, John, 739.
Assiento (contract), the, 124, 121, 1124 II.
Atkinson, James, 15 I.
......., Theodore, 167, 235, 307, 315, 625, 1425 I., II.
Attorney-General, the. *See* Northey, Sir Edward; Trovor, Sir Thomas.
......., opinion of [1686], New England, Receiver-General of, 1425 II., III.; *and see* Usher, John.
Atwood, William, 29, 30 I., 43, 46, 53, 61, 70, 100, 101, 130, 134, 147, 160, 183, 188, 204, 222, 224, 249, 285, 334, 340 V., 543, 554, 673, p. 17, 697, 746, 761.
...., letter from, 10.
...., letter to, 139.
...., memorials, petition of, 181, 181 I., 186, 194.
AUSTRIA, 193.
......., Arch-Duke of, 124 I., 1088, 1089, 1090.
Axtell, William, 173, 212.
...., petition of, 1082 (iii.), 1083 I.
Aylet, William, 1176 VI.
Aynsworth, James, 661.
Ayscough, John, 173, 190, 970, 998, 1024, 1046, 1058, 1097.
......., ..., document signed by, 1046.

B

Baber, John, Secretary of Jamaica, 817.
...., letter from, 1324.
...., commission for, 1345, 1346.
......., ..., petition of, 1427.
Badcock, Henry, 15 I.
BAHAMAS, the, 340 III., 508, 1150; *and see* Providence.
......., Lieut.-Governor of, 1150; *and see* Haskett, Elias.
......., Vice-Admiralty in. *See* COURTS.
......., inhabitants of, address from, 79, 80, 81.
......., ..., memorial from, 183.
......., piracy, 1014 XLIX.; *and see* Pirates.

Bahamas, the—*cont.*
......, trade of,
......, ..., acts of, enforcement of, 23; *and see* Trade and Navigation.
......, vessel seized in, 1158.
Bailey, —, 24 i. (Jamaica).
......, James, petition of, 795 (Mass.).
......, John, deposition of, 535 xviii., 1014 xxxv.
Baily's Cove (Newfoundland), 1379 i.
Baker, John, document signed by, 618.
......, Joseph, petition of, 1118.
......, Nicholas, petition of, 83.
......, William, 364.
Balcombe, John, 433, 739.
Baldwin, Edward, document signed by, 1100.
Ball, George, document signed by, 267.
......, William, 494.
Ballantine, Captain, 1025.
Ballard, —, 981 (Va.).
......, Joseph, 775.
......, Thomas, 127, 140, 494.
......, ..., document signed by, 981 xv., xvi.
......, William, 482.
Bally, Richard, document signed by, 450 xix.
Baltimore, Lord. *See* Calvert, Charles.
Baltimore, ship, 133, 145, 160.
Baltimore County (Maryland), 658, 663, 1190.
Bambleton, —, 368.
Bamfield, Philip, 457.
Bancker, Evert, documents signed by, 29 iii., iv., 748.
Bancks, John, document signed by, 1086.
......, Richard, 173, 459.
......, ..., petition of, 1082 (iii.), 1083 i.
Bankson, Andrew, 1150 iii., p. 900.
Bant, Captain, 670.
Baptiste, Captain, 1037.
Barbados, 36, 85, 323, 362, 418, 453, 490, 791 i., 957, 1041, 1068, 1158, 1276, 1340, 1448.
......, Governor of, 4, 86, 148, 149, 209; *and see* Granville, Sir Bevil; Grey, Ralph; Crowe, Mitford.
......, ..., letter to [1702], 804; *and see* Granville.
......, ..., salary of, 594; *and see* American Colonies, Governors of (salaries).
......, Governor, Council and Assembly of, p. 329.
......, President and Council of, 4, 5, 83, 86, 148, 149, 163, 166, 209, 215, 259, 458, 547, 572, 738; *and see* Granville, Sir Bevil.
......, ..., letters from [1703], 1014 lxix.
......, ..., letters from, [1702], 233, 252.
......, ..., letters to [1703], 233, 235, 350, 353, 397, 547, 661.
......, ..., letters to [1702], 235, 1014 lxix.
......, Secretary of, 237; *and see* Skene, Alexander.
......, ..., letter from, 723.
......, Vice-Admiralty in. *See* Courts.
......, Council of, 547.
......, ..., Minutes of [1702], 34, 282 i.
......, ..., ... [1703], 166, 359, 572, 661, 678, 738, 742, 880, 906, 926, 959, 994, 1030, 1138, 1223 vii., 1272, 1300, 1343.
......, Councillors, 675, 682, 688, 742, 769, 994, 1122, 1189, 1223, p. 330.
......, Assembly of, 547.
......, ..., Journal of, 5, 57, 83, 149, 210, 227, 329, 360, 399, 458, 547, 679, 708, 805, 827, 844, 881, 883, 912, 918, 927, 952, 1063, 1092, 1065, 1102, 1110, 1122, 1139, 1162, 1193, 1229, 1244, 1273, 1301, 1337.
......, Council and Assembly, minutes of, 135, 148, 440.
......, Council in Assembly, minutes of, 4, 56, 86, 209, 259, 328, 457, 546, 707, 804, 826, 1064, 1091, 1109, 1121, 1161, 1195, 1241.
......, agents for, 5, 209, 456, 576, 1215, 1370, p. 331; *and see* Holder, Mel., Heysham, William; Bridges, William.
......, Courts of justice in. *See* Courts.
......, ... martial, 986, 986 i., ii., 1188, 1189, 1189 i., ii., 1192, 1205, 1367.
......, customs and excise, 209, 536, 566, 594, p. 64, 100, 330, 831, 1010, 1110, 1241.
......, debts of, p. 141.
......, defences of, stores of war for, 56, 86, 125, 135, 148, 209, 255, 328, 353, 394, 394 i., 411, 456, 457, 536, 570, 675, 738, 787, 804, 826, 831, 945 i., 959, 1010, 1072 i., 1091, 1110, 1223 iii., iv., p. 64, 331.

Barbados—*cont.*
……, engineer in. *See* Sherrard, Captain; Hayes, Captain.
……, Flag of Truce, 86, 298, 547, p. 99, 139, 926, 959, 1072 I., 1139, 1205.
……, French Flag of Truce, 33, 40, 135, 148, 149, 209, 328, 457, 827, 926, 986, 986 I., II., 1072 I., 1195, 1391, 1392, p. 63.
……, imprisonments in, 1358.
……, Indians, 1110; *and see* Indians.
……, laws of, 83, 86, 108, 115, 135, 209, 227, 282, 282 II., III., 445, 742, 747, 753, 753 I., 804, 805, 827, 906, 927, 1102, 1167, 1173, 1184, 1215, 1216, 1223 VIII., 1241, 1343, 1435, 1436.
……, …… [1670], 804.
……, merchants trading to, convoys for, 1360, 1370, 1370 I., 1372, 1389, 1389 I., II.
……, militia, 787, 945 I., 959, 1072 I., 1102, 1110, 1223 III. (*b*).
……, mortality, pestilence in, 298, 831, 945 I., 1137, 1205.
……, naval protection, convoys, for, 34, 86, 124, 209, 248, 298, 737, 906, 926, 1009, 1360, 1370 I., 1372, 1389, 1389 I., II.
……, negroes, 5, 148, 215, 328, 804, 880, 1102, 1110, 1138, 1167, 1173.
……, pirates, 1205; *and see* Pirates.
……, Quakers in, 572; *and see* Quakers.
……, servants, 787, 804, 880, 906, 945 I., 1091, 1102, 1110, 1167, 1173, 1241, 1343.
……, trade of, 353, 950, 1009, p. 329.
……, ……, acts of, enforcement of, 678, 959; *and see* TRADE AND NAVIGATION.
……, troops quartered in, 33, 56, 83, 86, 209, 227, 298, 792, 1195, p. 140.
……, vessel seized in. *See* *Rebecca*, ship; *Neptune*, ship.
Barbados, privateer, 896.
Barbar, Robert, 368 III.
Barbarie, John, document signed by, 42 II.
Barber, Thomas, 494, 1176 VII.
…… ……, document signed by, 981 XV., XVI.
Barbina, M., 1191.
Barcroyd, George, document signed by, 981 VII.
Barker, Captain, 737.
Barker—*cont.*
……, R., documents signed by, 207 I., 935.
Barnes, Jonathan, 1144.
Barnstaple, 55 I., 242 I., 1332.
……, letter from, 402, 442, 442 I.
Barnstaple (Mass.), 584, 739, 1323, 1420 VII.
Barnstaple County (Mass.), 30 V., 198, 433, 477, 739, 760, 768, 1025.
Baron, Robert, 392.
Barrett, John, 1073.
Barrow, Thomas, 173.
Barrow Harbour (Newfoundland), 1379 I.
Barton, Benjamin, 1223 II.
……, James, 1037.
……, William, 948.
Basse, Jeremiah, late Governor of East Jersey, 372, 1429.
…… ……, letter from, 1430.
Basseterre, 737.
……, Bay of, 737.
Bassett, William, 30 V., 433, 768.
Bates, Katharine, 1327 XII.
……, William, 1327 XII.
Bath, Earl of. *See* Granville, John.
Battiss, John, 1344.
Baughan, James, 494.
Baxter, John, 433.
Bay de Verds (Newfoundland), 1379 I.
Bay of Bulls, 1379 I.
Bay Roberts (Newfoundland), 1379 I.
Bayard, Nicholas, 29 IV., 224, 233, 249, 418, 490, 506, 513, 554, 709, 726, 746, 761, 835, 905, 966, 1078.
Bayes, Ralph, 30 IV.
Bayliff Point, 737.
Bayly, John. *See* Bailey.
Baynes, Richard, 86, 1229.
…… ……, petition of, 56.
Bean, Joseph, 13, 1266, 1385.
…… ……, petition of, 1242.
……, Lewis, 1034.
Bean Swamp (Va.), 616.
Beard, Richard, 379.
……, Mathew, 379.
Beaver Meadow, 956.
Beckford, Peter, late Lieut.-Governor of Jamaica, 27 I., 211, 212, 897, 917, 1100, 1224 I. (c), 1238, 1327 XIII., 1347 I.
…… ……, letters, &c. from [1702], 2, 3, 6, 22, 226, 363.
…… ……, petition of [1703], 212, 1082 (I.), (III.), 1083 I.
…… ……, letters, &c. from [1703], 272, 275, 1141, 1148.
…… ……, letter to [1702], 272, 275, 301.
……, Peter, junr., 1220, 1258.

Beckford—*cont.*
......, Thomas, 1224 i. (*e*).
Beckman, Gerardus, 100 i.
......, ..., document signed by, 29 iii.
...... (Beeckman), Henry, documents signed by, 29 iii., iv., 748.
Beeck, Nicholas van, Governor of Curaçoa, 1326; *and see* CURAÇOA (Governor of).
Beeckman, Gerard. *See* Beekman.
......, Samuel, 151.
......, ..., letters from, 151, 151 i., ii., 646, 646 i.-xi., 923, 923 i.-xv., 1187, 1187 i.
Beedle, William, 1249.
Beeston, Sir William, late Governor of Jamaica, 356 i., 367, 384, 421, 764, 901, 1026 i., 1233.
Belcher, Andrew, Agent for Naval Stores, 30 i., 413, 460, 488, 584, 652, 694, 739, 800, 898, 940, 1039, 1075, 1087, 1231, 1302, 1403.
......, ..., petition of, 1296, 1317.
Belding, Stephen, 269.
Belfast, 455.
Bele, Adam, 1118.
Bell, Boaz, 608 i., 1014 lviii.
......, Thomas, 1316.
Bellomont, Earl of. *See* Coote, Richard.
......, Katherine, Countess of, 861; *and see* Coote, Richard.
......, ..., petition of, 715, 966; *and see* Coote.
Belroso, M., 1116 ii., 1191, 1264 iii.
Benbow, John, Vice-Admiral of the Blue, 3, 18 i., 22, 26, 87, 95, 97, 125, 126, 129, 143, 192, 200, 275, 289, 301, 319, 617, 737, 1014 lviii., 1082 (iii.), 1133, 1221.
......, ..., letters, &c., from, 123, 123 i., ii., iii., 124, 124 i.
Benjamin, store-ship, 29, 74, 533, 972, 1221.
Bennett, —, 849 (Bristol).
......, Benjamin, Lieut.-Governor of Bermuda, 237, 628, 702, 723, 989, 991, 991 i., 1014 ii., 1340, 1341, 1380.
......, ..., letters, &c., from, 87, 89, 89 i., ii. iii., 233, 242, 535, 535 i.-xxi. (*b*), 538, 539, 661, 732, 743, 744, 747, 750, 930, 957, 1013, 1014, 1014 i.-lxix., 1014 xvii., xxii., xxii., xxiii., xxiv., xxv. (*b*), xxvi., xxxv., xxxvii., lii., lxiv., lxvi., lxvii., lxix., 1015, 1022, 1158, 1257, 1265, 1283, 1313.
Bennett, Benjamin—*cont.*
......, ..., letters, &c., to, 87, 242, 391, 397, 398, 503 ii., 535 ix., 538, 595, 608 i., 630, 632, 637, 650, 675, 687, 699, 704, 715, 732, 744, 825, 839, 841, 930, 957, 963, 988, 1014, 1014 xv. (*a*), 1014 xxv. (*a*), xxxix., lxvii., lxix., 1018, 1022, 1072 i., ii., 1158, 1158 i.-viii., 1223, 1223 ii., 1295, 1312, 1313, 1315.
......, George, 173.
......, John, 17 i., 989, 991, 991 i., 1014, 1022, 1265, 1283.
......, ..., letter from, 1006.
......, ..., letter to, 535.
......, Philip, 253.
......, ..., petition of, 319.
......, Richard, petition of, 658.
......, Thomas, 883.
Benthall, Mary, 457.
Berkeley, John, Lord, 1400.
BERMUDAS, the, 87 i., ii., iii., 235, 490, 742, 831, 880, 1448.
......, Governor of, 566; *and see* Bennett, Benjamin; Day, Samuel; Goddard, John; Richier.
......, ..., letters to, 497.
......, ..., salary of, 536, 595; *and see* AMERICAN COLONIES.
......, Governor and Council of, 35, 87 i., ii., 503, 535 vii., 1282, 1355.
......, ..., petition to, 535 xvi.
......, Governor, Council and Assembly of, 839.
......, Secretary of, 35, 136, 503; *and see* Minors, Charles; Jones, Edward.
......, ..., letters to, 535 xix.; *and see* Minors.
......, Vice-Admiralty in. *See* COURTS.
......, Council of, minutes of, 35, 136, 392, 468, 535 x., 913, 1014 iv., vii., viii., xxxii., xxxiii., 1016, 1074, 1363.
......, Councillors, 237, 503, 503 ii., 535 xiv., 913.
......, Council in Assembly, minutes of, 1117, 1142, 1373.
......, ..., customs, excise, 814, 839, 1142, 1355.
......, defences of, stores of war for, 87, 570, 675, 839, 1014 lxvii., 1016, 1355.
......, General Fast, ordered in, 738.
......, Indians, 1014 lxvii.; *and see* Indians.
......, laws of, 115, 803, 814, 825, 689, 839, 850, 851, 913, 1158, 1356, 1357.

Bermudas, the—*cont.*
......, martial law in, 1014 LXVII.
......, militia in, 87, 1014 LXVII.
......, negroes, 909, 1014 LXVII.
......, pirates, 136, 503, 608 I., 628, 630, 704, 1016, 1074, 1158 ; *and see* Pirates.
......, revenue of, 839.
......, troops quartered in, 913.
......, whale-fishing, 536.
Bernard, William, 836.
Berresford, Samuel, 1122.
Berry, James, document signed by, 267.
Berwick, 996 V.
Bethell, William, petition of, 439.
Betterton, Edward, 173, 948.
......, ..., petition of, 928.
Beverly (Mass.), 433, 739.
Beverly, Harry, 981 XII., 1176 VI.
......, Peter, 481, 494.
......, ..., document signed by, 450 XIX.
......, Robert, 480, 481, 914, 982.
......, ..., petition of, 532.
Bevis, John, 1023.
......, William, petition of, 1125.
Bickerstaff, J., 901.
......, ..., document signed by, 1100.
Bideford, 55 I., 342 I., 1332.
......, letter from, 402, 442, 442 I.
Bill, John, 885 III., IV.
Billings, Nathaniel, 433.
Bilrica (? Billericay), 433, 739.
Bilton, William, deposition of, 1014 XXXIV., 1340, 1341.
Bird, Anne, 1176 VIII.
......, William, Auditor of Virginia, 127, 494, 522, 836, 981 XVII., 982, 1053, 1186.
......, ..., documents signed by, 981 IX., X., XI., 1176 IV., V., IX.
......, ..., petition of, 616.
......, William, President of Virginia, 616, 981 VIII. (*c*).
Bisley, Richard, document signed by, 267.
Black Point (Mass.), 1025, 1037, 1067, 1425 VIII. (*b*).
Blackhead Bay (Newfoundland), 562 I.
Blackman, John Lucy, 769.
Blackwall, H.M. ship, 737.
Blackwater Swamp (Va.), 914, 981, 981 XII., 1176 IV.
Bladen, William, 1031, 1061, 1190.
Blagrove, Nathaniel, 433, 739, 929.
Blair, James, Commissary (Va.), 103, 127, 944, p. 657.
......, ..., document signed by, 981 VI.
......, ..., letter from, p. 656.
Blair—*cont.*
......, John, 173, 447, 998, 1024, 1048, 1218, p. 653.
......, ..., document signed by, 1046.
Blaires, William, 379.
Blakiston, Nathaniel, late Governor of Maryland, 160, 233, 279, 576, 599, 663, 854, 1190.
......, ..., letters, &c., from, 245, 1031, 1299.
......, ... [1699], 934.
......, ..., letter to, 722.
......, ... [1699], 279.
Bland, Richard, 494.
......, ..., document signed by, 450 XIX.
Blathwayt, William, a member of the Council of Trade and Plantations, 237, 283, 989, 1023, 1129.
......, ..., documents signed by, 6, 8, 20, 61, 70, 77 I., 100, 158, 172, 178, 188, 201, 205, 215, 218, 235, 238, 239, 241, 244, 245, 249, 250, 251, 252, 292, 305, 337, 339, 342, 342 I., 347, 353, 354, 356, 358, 372, 373, 374, 398, 404, 407, 410, 415, 416, 426, 434, 446, 473, 474, 479, 484, 495, 496, 506, 507, 508, 511, 527, 533, 536, 555, 578 I., 580, 611, 612, 621, 623, 627, 628, 629, 630, 631, 633, 634, 635, 636, 665, 666, 681, 687, 688, 691, 692, 718, 719, 720, 721, 722, 724, 731, 741, 742, 744, 750, 758, 782, 789, 790 I., 889, 890, 891, 892, 903, 903 I., 922, 937, 958, 959, 960, 964, 965, 966, 999, 1000, 1005, 1019, 1149, 1149 I., 1160, 1166, 1174, 1178, 1179, 1189, 1191, 1202, 1204, 1208, 1213, 1214, 1243, 1281, 1299, 1304, 1305, 1306, 1313, 1383, 1389 II., 1390, 1405.
......, ..., letter from, 1025.
......, ..., H.M. Secretary at War, 128, 192, 233, 737.
......, ..., document signed by, 196, 485, 486, 790 I.
......, ..., letter to, 303, 764, 1085, 1239, 1334.
......, ..., letter from, 1342.
Blettsoe, Thomas, document signed by, 267.
Blew, —, 673.
Block Island, 1388.
Blue Anchor (Philadelphia), 15 I.
Bluefields, 885, 1023, 1224 I.
Blunston, John, 950 II., 1151.
Blunt, Thomas, 616.
......, ..., petition of, 515.

Bogle, Alexander, 13.
Bohemiah River, 847.
Boisseau, James, document signed by, 981 VI.
Bolling, Robert, document signed by, 981 VII.
......, Robert, junr., 1186.
Bomazeen (Indian), 898, 1025.
Bonavista, 156, 387, 1332, 1379 I., 1381.
Bonnor, John, 173, 998, 1024, 1048, 1058.
......, ..., document signed by, 1046.
Bonny, Philip, document signed by, 1086.
Boone, Nicholas, 13.
Booth, Joseph, document signed by, 17 IV.
Borret, —, Solicitor to the Treasury, 1236, 1240, 1295.
Bosston Neck, 433.
Bostock, Nathaniel, 103, 492, 575, 658, 836, 914, 1190.
......, ..., letter from, 379.
BOSTON, 13, 30 V., 42, 85, 93, 167, 269, 320, 336, 380, 413, 432, 433, 460, 478, 584, 652, 670, 694, 697, 730, 739, 761, 768, 775, 779, 795, 798, 902, 920, p. 249, 524, 969, 971, 996 V., 999, 1025, 1037, 1039, 1044, 1073, 1076, 1078, 1094, 1114, 1171, 1201, 1232, 1234, 1407, 1413, 1420 II., 1425, 1425 II.
......, post-office in, 775, 1076, 1114.
Boulter, John, affidavit of, 199 I.
Bourbon, House of, 193, 1059.
Bourne, Sheerjashub, 739, 768.
......, ..., document signed by, 1071.
Bowdidge, Alexander, 537.
Bowen, Robert, 1228.
Bowles, Phineas, 737.
......, ..., document signed by, 1071.
Bowling, Robert, 1176 VII.
Bowne, Andrew, late Governor of New Jersey, 519, 1049, 1079.
......, John, petition of, 1249, 1286.
......, Obadiah, 1249.
Boyne, H.M. ship, 737, 1070, 1128.
......, Journal of, 737.
Boynton, Joseph, 433, 739.
Boxford (Mass.), 433, 739.
Brabant, Henry, 173, 212, 948, 998, 1024, 1048, 1086, 1093, 1218, p. 652.
......, ..., documents signed by, 1046, 1058.
Bradford (Mass.), 433.
Bradford, Edward, document signed by, 618.
......, John, 30 V., 739.
Bradford—*cont.*
......, Richard, 836.
......, ..., document signed by, 1086.
Bradsley, Israel, 30 IV.
Bradstreet, Dudley, 30 V.
Bragg, Francis, 173.
......, ..., petition of, 1082 (iii.), 1083 I.
Bragge (Braggs), Thomas, 1046, 1134.
Braintree (Brantrey), Mass., 433, 739, 1171.
Branch, Matthew, 981 XII.
Brant, Christian, document signed by, 646 V.
Brattle, Edward, 13.
......, Thomas, 13, 460, 518, 625, 999, 1025, 1171, 1221, 1394.
......, ..., petition of, 969.
Bray, Plomer, document signed by, 450 XVII.
Brayne, Thomas. *See* Bryan.
Bream, Joseph, 1025.
Bredah, H.M. ship, 123, 123 I., 124, 270, 1424 I.
Bremble, W., document signed by, 156.
Brenton, Ebenezer, 30 V.
......, Jahleel, Agent for Rhode Island, 315, 543, 920.
Brereton, Edward, a Commissioner of Prizes, documents signed by, 1291, 1320, 1423.
......, Henry, document signed by, 450 XIX.
Brewer, Richard, late Lieut.-Governor of Jamaica, letter to [1702], 1023.
Brian, M., Director of the Assiento at St. Domingo, 1124 IV.
......, ..., letter to, 1124 II., III.
Bridgeman, —, letter from, 389.
Bridgeman, sloop, 323, 791 I., 1276.
Bridger, John, Agent for Naval Stores at New England, 233, 279, 306, 309, 335 II., 336, 662, 1226, 1240, 1427.
......, ..., deposition of, 276, 279.
......, ..., memorials, letters, from, 825, 1022, 1371 I.-IV. 1247, 1257, 1289, 1322, 1371 I.-IV.
......, ..., letter to, 1233.
......, Samuel, 1176 VI.
......, William, 1176 VI., VII.
Bridges, J., a Lord of the Admiralty, documents signed by, 526, 1322.
......, John, 746, 1078 (New York).
......, ..., document signed by, 29 III.
......, William, 461 I. (Antigua).

Bridges—*cont.*
......., William, Agent for Barbados, 827.
......., ..., letters from, 394, 394 i., 411, 1370, 1371, 1384.
......., ..., letters to, 255, 1370.
......., William, a Commissioner of Ordnance, documents signed by, 176, 622, 1262, 1347.
Bridgetown (Barbados), 259, 298, 457, 986 ii., 1110.
Bridgewater (Mass.), 433, 739, 898.
Bridgham, Joseph, 1044.
Bridgman, —. *See* Bridgeman.
Bridlington (West Jersey), 24 i., 519, 1033, 1038, 1079, 1190, 1297, 1386, 1394, 1407 i.
Bridlington County (New Jersey), 1400.
Brightman, Henry, 1171.
Briggs, Daniel, deceased, 664.
......., David, 680, 733, 748.
Brimstone Hill, 120.
Brinley, Francis, letter from, 673, 674 ii.
Brisco, Margaret, 1115.
Bristol (England), 23, 55 i., 342 i., 557, 849, 899, 1014 ii., 1082 (ii.), 1158, 1332, 1370 i., p. 616.
......., ..., letter from, 402, 442, 442 i.
......., merchants of, memorial from, 1239 i.
Bristol (Mass.), 433, 739, 898, 929, 954, 1025, 1420 iii., v.
Bristol County (Mass.), 30 v., 433, 739, 1420 iii.
Bristol, H.M. ship, 270, 289, 311, 618, 1221.
Bristol, Lieut.-Colonel, 56, 737.
Bromfield, Edward, 739, 954.
Brooke, Sir Henry, p. 902.
......., Henry, 1074, 1142, p. 902.
......., ..., letter from, 1150 iv.
......., Thomas, 434 i.
......., ..., affidavit, deposition of, 1014 xiii., 1014 xviii. (*b*), 1014 xxix.
Brookes, Alexander, 504.
Brookfield (Mass)., 652, 1317.
Brookfield Plantation. *See* Quaboag.
Brooks, Caesar, 34, 86, 148, 166, 209.
......., Captain. *See* Brooke, Henry.
......., William, documents signed by, 316, 1332, 1381.
Brough, Gervase, document signed by, 618.
Broughton, Edward, 1233, 1295.
......., Sampson Shelton, 100 i., 194, 889.
......., ..., document signed by, 29 iii.
Broughton, Sampson Shelton—*cont.*
......., ..., letter from, 43, 545.
......., Thomas, deceased, 652.
Brouillan, M., French Governor of Acadie (Nova Scotia), 380, 1094.
......., ..., letter from, 1037.
Brown(e), Anna Petronella, 458, 651, 856, 873, 882.
......., Arnold, letter from, 311.
......., ..., ... [1702], 311.
......., Benjamin, 739.
......., John, 920, 939 (Barbados).
......., ..., petition of, 457.
......., John, deceased, 836 (Va.).
......., Joseph, petition of, 920, 1109, 1121.
......., Nathaniel, 458, 651, 739, 856, 873, 882.
......., ..., petition of, 920.
......., Samuel, 30 iv., v., 625.
......., Thomas, 30 v.
......., William, 739, 1195.
......., document signed by, 1420 vii.
Bruges, —, deceased, 689.
Brumfield, Edward. *See* Bromfield.
Brunt, Cornelius van, document signed by, 29 iii.
Bryan, Thomas, 173, 190, 393, 815, 852, 983, 1040, 1046, 1197.
......., ..., petition of, 1082 (iii.), 1083 i.
Buck, —, 1023.
Buckley, —, 860.
Buckner, William, 549, 981.
......., ..., document signed by, 981 vii.
Bucks (New Jersey), 24 i.
Bucks (Pennsylvania), 17 i., 368, 1407 i., p. 901.
Buckworth, Charles, 34, 661, 1091, 1109, 1195.
......., ..., report from, 1065.
Budd, John, junr., 15 i.
Budd's Buildings (Philadelphia), p. 12.
Bulfinch, John, 306.
......., ..., document signed by, 305.
Bulkeley, Samuel, 15 i.
Bull, James, petition of, 413.
......., John, petition of, 969.
Bulley (negro), 253.
Bunbury, William, document signed by, 450 xviii.
Burbervise, John, 494.
Burchett, Josiah (sometimes written John), Secretary to the Admiralty, 3, 803.
......., ..., letters, &c. from [1702], 38, 45, 53, 55, 58, 73, 76.

Burchett, Josiah, letters, &c., from —*cont.*
......, ..., ... [1703], 126, 133, 134, 138, 157, 160, 348, 350, 369, 382, 382 i., 389, 390, 391, 660, 662, 676, 676 i., 683, 706, 710, 715, 752, 762, 763, 766, 771, 773, 781, 794, 814, 819, 825, 1240, 1263, 1283, 1294, 1295, 1298, 1321, 1342, 1376.
......, ..., letters, &c. to [1702], 2, 3, 53, 54, 71, 73, 75, 77, 77 i., 160, 161.
......, ... [1703], 312, 318, 369, 378, 382, 382 i., 389, 390, 437, 442, 442 i., 659, 683, 689, 732, 735, 747, 752, 770, 773, 780, 783, 783 i., 790, 808, 1004, 1095, 1133, 1135, 1165, 1170, 1180, 1185, 1233, 1265, 1278, 1294, 1295, 1298, 1308, 1321, 1342, 1351, 1360, 1362, [? 1375], 1384, 1389, 1389 i., ii., 1401, 1408.
Burd, Anne, 1176 viii.
Burdiall, Matthew, 30 iv.
Burford, H.M. ship, 34, 164, 737, 1116.
Burgess, Captain, 1407 i.
......, Robert, 1156.
......, Samuel, 1150 iv.
Burke, Edward, 457.
Burlington. *See* Bridlington.
Burridge, —, 23, 53.
Burrough, Benjamin, document signed by, 450 xvii.
Burroughs, Florence, 1199.
Burrows, Captain, 1141.
......, Michael, documents signed by, 535 iii., xiv, 1014 xxxviii.
Burt, William, letter from, 849.
Burton, Thomas, 1074.
......, Stephen, 929.
Bushell, James, petition of, 127.
......, Jane, 457.
Butt, Sherebiah, 1171.
Butterfield, Nathaniel, documents signed by, 535 xiv., 1014 xxxviii.
Butterworth, —, 18 i., p. 15, 899.
Byam, —, 737.
Byerley, Thomas, 422, 426, 997.
......, ..., memorial of, 411, 417.
Byfield, Nathaniel, 13, 30, 30 v., 93, 543, 693, 925, 929, 965, 1170.
......, ..., document signed by, 1420 v.
......, Thomas, 1265, 1295, 1360.
......, ..., memorial from, 545, 1269, 1265, 1372.
Byfrons, ship, 1201, 1221.
Byrd, William. *See* Bird.

C

Cadaraqui, 1018.
Cadiz, 83, 792.
Caillard, —, 363.
Caldwall, Captain, 29, 29 ii.
Calef, Robert, junr., 1044.
California, 1338.
Calvert, Charles, Baron Baltimore, 16, 233, 279, 379, 434 i., 490, 588, 589, 590, 847, 1190.
......, ..., memorials, letters from, 155, 160, 233, 681.
......, ..., letter to, 675.
Calvert County (Maryland), 379, 1118.
Campbell, Colin, document signed by, 1.
......, James, 1399.
......, ..., document signed by, 316.
......, John, 978.
......, ..., petition of, 775, 940.
Cambridge (Mass.), 13, 31 v., vi., 432, 433, 584, 694, 739, 1232, 1233, 1266, 1420 i.
Camfield, Francis, document signed by, 267.
Campion, Thomas, document signed by, 1071.
Canada, 1, 193, 507, 511, 513, 533, 554, 673, 748, 860, 1025, 1078, 1131, 1150, 1338, p. 901.
......, French Governor of, 30.
......, Indians in, 739; *and see* Indians.
Canada River, 401 iv., 1338.
Canaries, the, 1150 iv., 1407 i.
Canastagione, 18 i., 533, 861, 1018.
Canterbury, H.M. ship, 270, 301, 311.
Cape de Verd Islands, 164.
Caracas, 1327 iii.
Carbery, Earl of. *See* Vaughan, John.
Carbonear (Newfoundland), 1, 156, 782, 783 i., 1342, 1379 i.
Carcass, H.M. ship, 123, 270.
Cardine, Robert, 1026 i.
Cardoso, —, 301.
Careless, William, 161.
Caribbee Islands, 171, 737, 1388, *and see* Leeward Islands.
Carlisle, Lord. *See* Howard, Charles.
Carlisle Bay (Jamaica), 1065, 1327 xvi.
Carolina, 16, 87, 508, 521, 532, 557, 645, 673, 861, 1158.

Carolina—*cont.*
......., Governor of, 303; *and see* Moore, James; John son, Sir Nathaniel.
......., ..., letter from, 27 I.
......., President of. *See* Walker, Henderson.
......., defences of, stores of war for, 27 I., 1150, 1268, 1268 I.
......., Indians, 16, 616.
......., lands, grants of, and quit-rents, 118, 1432.
......., laws of, 1438.
......., merchants trading to, convoys for, 1377; *and see* naval protection (*below*).
......., militia in, 16, 1268 I.
......., naval protection for, 1360, 1377, 1389, 1389 I., II.
......., naval stores, proposals for importing from, 1265; *and see* Byfield, Thomas.
......., proprietors of, 16.
......., ..., memorials from, 1268, 1268 I., 1360.
......., ..., memorials to, 1268.
......., revenue of, 16.
......., trade of, 16, 950.
......., ..., illegal, 16.
......., ..., acts of, enforcement of, 23; *and see* TRADE AND NAVIGATION.
Carpenter, Henry, 1412 I.
......., Joshua, 15 I.
......., Samuel, 17 I., 950 II.
......., ..., documents signed by, 1151, 1407 I., II.
Carroll, Charles, 1190.
Carsten, Coenradt, 923 VIII.
CARTAGENA, 22, 87 III., 123, 124, 275, 1104, 1327.
Carter, —, 283, 944.
......., Robert, 1053.
......., ..., document signed by, 981 XIV.
......., ... letter from, 836.
.... William, 15 I., 30 IV.
Carteret, John, Lord, 1268.
......., Sir George, 1400.
Cary, Henry, document signed by, 981 VII.
......., Lieut.-Colonel, 737.
.... Miles, 127, 140, 1186; *and see* Caryl.
......., Richard, Agent for the Leeward Islands, 125, 160, 422, 473, 494, 576, 590, 838, 1384.
......., ..., document signed by, 1319.
......., ..., letter from, 116.
......., William, document signed by, 459 XIX., 981 VII.
Caryl, Miles, document signed by, 450 XIX; *and see* Cary (Miles).
Casalis, M. (Cazelis), 135, 328, 457, 827.
......., ..., petition of, 572.
Casco Bay, 31 II., 93, 269, 380, 460, 584, 625, 652, 694, 863, 898, 992, 954, 996, 999, 1025, 1034, 1039, 1062, 1067, 1078, 1094, 1144, 1198, 1344, 1385, 1403, 1425 VIII. (*b*).
Castilloes, James del, 253.
Castle Island, 13, 448, 460, 625, 798, 940, 954, 999, 1171, 1207, 1221, 1317, 1344, 1349, 1385, 1413.
Catharine, sloop, 1066.
Caymanas, 938.
Cecil, Robert, a member of the Council of Trade and Plantations, 339 I., 1129.
......., ..., documents signed by, 61, 70, 77 I., 100, 158, 172, 178, 188, 201, 205, 215, 218, 235, 238, 239, 241, 244, 245, 249, 250, 251, 292, 337, 342, 342 I., 347, 353, 354, 355, 356, 358, 372, 373, 374, 398, 415, 416, 495, 527, 533, 536, 555, 562, 565, 578 I., 580, 623, 627, 628, 629, 630, 631, 633, 634, 635, 636, 665, 666, 681, 687, 688, 690, 691, 692, 718, 719, 720, 721, 722, 724, 731, 750, 782, 789, 829, 838, 839, 840, 842, 845, 890, 903, 903, I., 922, 937, 958, 959, 960, 964, 965, 966, 1000, 1001, 1005, 1019, 1149 I., 1160, 1166, 1174, 1178, 1179, 1189, 1191, 1202, 1204, 1208, 1213, 1214, 1243, 1260, 1281, 1383, 1389 II., 1390, 1410.
Cedarneck, 1407 IV.
Centurion, H.M. ship, 660, 706, 715, 752, 762, 780, 799, 803, 819, 867, 876, 1131, 1398.
Chadwell, Samuel, 529, 530, 548, 625, 652.
Chagre, 22.
Chalkhill, William, 478, 518.
......., ..., memorial of, 460.
Chamberlain, Mrs., 1182.
Chamlet, 969.
Chapin, Josiah, 433, 584, 739, 1073, 1413.
Chaplin, Charles, 212, 967, 1104, 1147, 1258.
...., petition of, 1082 (iii.), 1083 (I.).
Chapman, Henry, document signed by, 450 XVII.
......., John, 779.
CHARLES II., 316, 401 IV., 950 II., 1094, 1356, 1401, 1415.
Charles the Second, sloop, 572, 1065.

Charles, ship, 939, 1014 xviii. (*b*), 1158.
Charles Fort (Barbados), 86.
...... (Jamaica), 504, 1107, 1133, 1152, 1154, 1227, 1347 i; *and see* Fort Charles.
......, Port (Jamaica), 1316, 1325.
Charles City County (Va.), 494, 523, 559, 981 xii., 1176 xii.
Charlestown (Carolina), 1377
Charlestown (Mass.), 432, 433, 500, 739, 1039.
Châteaurenault, M. de, 18i., 87i., iii., 1128, 1133.
Checkley, Samuel, 433, 739, 779.
Cheever, Richard, 380.
Chelmsford (Mass.), 433, 739.
Chermesson, Joseph, 1115.
Cheshire, p. 902.
Chester (Pennsylvania), 17i., 55 i., 368 iii.
Chester County (Pennsylvania), 1151, 1407 i., iii., p. 902.
Chiampanti, John, Agent for Massachusetts, 42, 53, 78, 134, 279, 286, 290, 299, 308, 318, 324, 325, 327, 332, 336, 378, 422, 429, 430, 437, 455, 513, 554, 563, 732, 740, 766, 794, 989, 1078, 1084, 1126, 1265.
......, ...documents signed by, 90, 91, 92, 314.
............, letters from, 295, 296, 331, 454, 455, 466, 470, 489, 489 i., 985, 985 i., 1280, 1283.
............, memorial from, 411, 528, 534.
............, letters to, 62, 96, 287, 326, 331, 333, 350, 424, 441, 454, 545, 637, 642.
Chickahominy River, 532.
Chichester, William, 836.
Chichester, H.M. ship, 737.
Chilcott, John, 1109.
Chilton, Edward, 661, 926, 1195.
......, ..., document signed by, 1121.
Chishull, Humphry, 1158.
Chittleton, Kennelan, 160, 434 i.
Chitty, Richard, document signed by, 618.
Chowning's Point, 523.
Christchurch (Barbados), 804, 826.
...... parish (Barbados), 1063, 1109, 1121.
Christopher, ship, 909.
Church, Benjamin, 30 v.
Churchill, George, a Lord of the Admiralty, documents signed by, 170, 526.
......, John, Duke of Marlborough, 1365.
......, ..., memorial to, 288 i.
......, William, stationer, 1176 vii.
Churchill, William—*cont.*
......, ..., account of, 82, 1210.
Clack, James, 523.
......, ..., document signed by, 981 vi.
Clap, Hopestill, 433, 739.
......, Samuel, 739.
Clarendon (Jamaica), 173, 1130.
Clark (Clarke), —, 190, 1327 xii. (Jamaica).
Clark, —, 997, 1078.
......, Francis, 30 iv.
Clarke, John, 173, 433, 739, 806, 818.
......, ..., petition of, 572.
......, Major, 1171.
......, Owen, document signed by, 1151.
......, Samuel, a Commissioner of Customs, documents signed by, 1332, 1412 i.
......, Thomas, 173.
......, Timothy, 13, 460, 518, 694.
......, Weston, Secretary of Rhode Island, 857.
......, William, 17 i., 950 ii., 1407 i., iii.
......, ..., documents signed by, 1407 i., ii.
Clarkson, David, document signed by, 450 xix.
......, Matthew, Secretary of New York, 204.
Clay, Thomas, 30 iv.
Clayton, Richard, 23, 53, 232, 473, 849.
Clear, Cape, 1298.
Cleaver, John, 457.
Cleesbe, Ezekiel, 920.
Cleland, Captain, 305.
Clerk's Island, 137.
Cliffe, Henry, document signed by, 618.
Clinkett, James, 457.
Clinton, Francis, 86.
Clock, Martin, petition of, 571.
Clough, Joseph, 739.
Cobb, —, 437, 773, 794.
Cochecha, 432, 460.
Cock, Walter, senr., 981 xii.
Cockling Pond (Jamaica), 253.
Cockpit, the, 1219.
Cockran, Richard, 572.
Cockshutt, Thomas, document signed by, 847.
Cod, Cape, 198, 673, 1226.
Codrington, Christopher, late Governor of the Leeward Islands, 232, 1026 i., 1412 i., 1421.
......, Christopher, Governor of the Leeward Islands, 34, 56, 148, 192, 246, 247, 288, 407, 461 i., 572, 590, 661, 723, 737, 773, 792, 1278.

Codrington, Christopher—*cont.*
......, ..., document signed by, 1032.
......, ..., letters, &c. from [1702], 125, 183, 241, 473.
......, ..., letters from [1703], 200, 230, 231, 232, 362, 455, 547, 745 i., 804, 1011, 1155, 1160, 1160 i., 1202, 1271, 1281, 1304.
......, ..., letters, instructions, to [1703], 134, 200, 230, 232, 233, 241, 350, 355, 422, 437, 473, 475, 490, 635, 669, 741, 747, 838, 841, 958, 1011, 1077, 1202, 1206, 1223, 1295, 1304.
......, Thomas, documents signed by, 29 iii., 748.
Coffee, —, 1119.
Coffin, James, 13.
......, Peter, document signed by, 267.
Cohorn, M., 1072 i.
Coinage. *See* American Colonies (currency in).
Coist, M. de, 87 iii.
Colbatch, Joseph, document signed by, 847.
Colby, Thomas, 1327 iii.
Colchester, H.M. ship, 123, 123 i., 270, 916, 1055.
Colchester (Connecticut), 1353.
Colclough, Benjamin, document signed by, 450 xviii.
Cole, Michael, letter from, 303.
......, Simon, 318.
......, ..., document signed by, 316, 1332.
......, ..., memorial from, 1381.
......, Walter, 836.
Coleman, —, 673, 1349.
Colenbine, Brigadier F., 192, 196, 885, 1071, 1224 i. (*e*).
......, ..., document signed by, 1071.
......, ..., instructions to, 1071.
......, ..., letters from, 122, 246, 247, 262, 288, 288 i.
Colesack Harbour, 737.
Coll, Cape, 798.
Collectors, 16, 35, 103, 140, 191, 209, 229, 364, 535 xix., 592, 658, 663, 672, 697, 914, 981, 993, 996 iv., 1014 xviii. (*b*), xxv. (*b*), 1014 lxvii., 1031, 1053, 1094, 1150, 1150 iii., 1153, 1407 i., pp. 899, 900, 902; *and see* Brenton, Jahleel; Byerley, Thomas; Brooke, Henry; Epps, Littlebury; Jewell, John; Kennedy, David; Luke, —; Payne, William; Russell, James; Sheafe, Sampson; Trevethan, Sampson; White, John.
Collet, M., Governor of St. Louis, letter to, 1124 v.
Colleton, James, 215.
......, ..., petition of, 1102.
......, Sir John, 204.
......, ..., petition of, 98, 98 i. 215, 215 i.
......, Peter, 215.
......, Sir Peter, deceased, 215.
Collier, Thomas, petition of, 663.
Collings, John, affidavit of, 608 vi.
Collins, William, 30 iv.
......, ..., document signed by, 1327 xi.
Collinson, George, letter from, 1424, 1424 i.
Colman, John, 673, 1349.
Colyear, David, Earl of Portmore, 129, 836, 961.
Comfort, Point. *See* Point Comfort.
Commissioners, H.M., 1449, 1450; *and see* Larkin, George.
...... of Prizes, letters from, 1423, 1423 i.
......, ..., letters to, 1423; *and see* Prizes.
Commons, House of, 209, 345, 882, 1113, p. 329.
......, ..., address to, 12, 23.
......, ..., address from, 481, 536, 1401.
......, ..., order of, 1360.
......, ..., Clerk of. *See* Joddrell.
Compton, Henry, Bishop of London, 3, 129, 226, 250, 251, 455, 474, 783 i., 1053, 1115.
......, ..., letter from, 1066.
......, ..., letters to, 943, 947, 1055 vii.
Conception, Bay of (Newfoundland), 1, 156, 342 i., 782, 1332, 1342.
Concord (Mass.), 433, 739.
Connecticut, 530, 1422, 1425 ii.
......, Governor of. *See* Winthrop, John.
......, ..., letter to, 675; *and see* Winthrop, John.
......, Governor and Company of, letters to, 347, 510, 530, 719, 1067, 1094.
......, boundaries, 13, 748, 929.
......, defences of, 719.
......, ..., quota of assistance to New York, 719; *and see* New York (defences of).
......, Indians, 1353; *and see* Indians (Mohican).
......, laws of, 860.
......, troops quartered in, 1044.
......, trade of, 861.
......, ..., illegal, 16, 861, 1072 i.
Connecticut River, 739, 969.
Constable, John, 143, 289, 583.

Constable, John—*cont.*
......, ..., document signed by, 1424 i.
Constant Jane, ship, 86, 1229.
Consumption Bay (Newfoundland). *See* Conception Bay.
Converse, James, 13, 30 v., 433, 739, 940, 1087.
......, Richard, 30 iv.
Coode, John, 379.
Cook, —, 299.
......, Mordecai, 981 xii.
Cooke, Captain, 1044.
......, Elisha, 739.
......, Francis, 15 i.
......, J., documents signed by, 1291 i., 1423 i.
Cooper, Caleb, document signed by, 42 ii.
......, Joseph, 981 xii., 1249.
......, Thomas, 969, 1221.
Coote, Richard, Earl of Bellomont, deceased, late Governor of New York and New England, 29, 29 iv., 62, 75, 78, 100, 134, 183, 186, 188, 250, 265, 277, 278, 292, 295, 309, 326, 327, 331, 332, 502, 533, 581, 637, 642, 672, 696, 698, 731, 768, 861, 889, 966, 972, 1425, 1425 ii., p. 195.
......, ..., reports from, 300, 715.
......, ..., letter, report to, 711, 720.
......, Katherine, Countess of Bellomont, 29, 29 ii., 290, 299, 314, 326, 333, 336, 337, 346, 349, 350, 422, 563, 582, 861, 1078, 1125, pp. 195, 337.
......, ..., bond of [1702], 292, 293, 321.
......, ..., petition of, 278, 292, 347, 715, 966.
Cope, Francis, 1342.
......, ..., letter from, 1347 i., 1360.
Copenhagen, Royal American Company at, 1327 v.
Copley, parish (Va.), petition from, 558, 559.
Coppohosick, 515.
Coral Rock (Jamaica), 1315.
Corbet, John, petition of, 639.
Corbin, Gawin, 494, 1176 vii.
Cordoso, Moses Yesurun, 184.
Corington (? Codrington), Richard, 494.
Cornbury, Lord. *See* Hyde, Edward.
Cornish, William, 885 iii.
Corpang, M., letter from, 926.
Cortlandt, Jacobus, documents signed by, 29 iii., 748.
Corwin, Jonathan, 739.
Cosens, Barne, letter from, 340 v.
......, ..., letter to, 340 v.
Cotton, John, 1234.
......, Sir Robert, Post-Master General, letter to, 425, p. 350.
......, William, 1245.
Cottrell, John, 209.
Countryman, John, 30 iv.
Coursey, William, 160, 434 i.
Courts erected in the American Colonies:—
  Admiralty (American Colonies), 745 i., 794, 803, 890, 1279, 1359.
  ...... (Bahamas), 1158.
  ...... (Barbados), 572, 1184, 1223 ix., 1401, 1406, 1423, 1423 i., ii.; *and see* Buckworth, Charles; Granville, Sir Bevil.
  ...... (Bermuda), 35, 237, 535 ii., 1014 xxxix., li., lxvii., 1158, 1158 i.-xvi., lix., 1401.
  ...... (Connecticut), 1044.
  ...... (Jamaica), 919, 1124, 1124 i., 1327 iii., iv., v., vi., vii.
  ...... (Maryland), 1128, 1150.
  ...... (Massachusetts), 30, 543, 673, 1044; *and see* Byfield, Nathaniel; Mompesson, Roger.
  ...... (New Jersey), 1044.
  ...... (New Hampshire), 307, 334, 715, 996 ii., iii., 1044, 1245.
  ...... (New York), 10, 193, 1044; *and see* Atwood, William.
  ...... (Pennsylvania), 3, 16, 256 i. (*b*), 837; *and see* Moore, John; Mompesson, Roger.
  ...... (Rhode Island), 30 i., 401 iv., 673, 1044, 1342, 1348, 1415, 1415 i.
  ...... (Virginia), 549; *and see* Hammond, John.
  Chancery (Barbados), Court of Errors, 457, 1074, 1195, 1223 v.; *and see* Stewart, Robert.
  ...... (Bermuda), 87, 535 iii., 1014 lxvii., 1117, 1158.
  ...... (Massachusetts), 1094.
  ...... (Pennsylvania), 1407 iii.
  ...... (Virginia), 1176 xx.
  Civil, proceedings in, (American Colonies), 545, 577 i., 590, 733,

Courts: Civil, proceedings in (American Colonies)—*cont.*
......, ... (Barbados), 1358.
......, ... (Massachusetts), 1420, 1420 i.
......, ... (New Jersey), 519, 1079.
Cousens Island (Casco Bay), 694.
Coventry, H.M. ship, 988, 1009, 1072, 1137.
Cowad, William, document signed by, 618.
Cowes, 388 i.
Cowling, Stephen, 981 xii.
......, Thomas, 981 xii.
Cowse, James, 555.
......, ..., letter from, 283, 545.
Cox, —, 1010, 1189, 1305, 1372, 1384, 1391, 1392.
......, ..., brother of above, 1384.
......, Daniel, 1176.
......, Florentine, documents signed by, 535 xiv., 1014 xxxviii.
......, Samuel, 34, 56, 826.
......, ..., petition of, 148, 209, 227, 547, 708, 1109, 1229, 1241.
......, Thomas, 173, 393, 1133.
......, ..., petition of, 1082 (iii.), 1083 i.
Cradock, Samuel, 1115.
Craggs, James, an officer of Ordnance, documents signed by, 1262, 1354.
Crane, Benjamin, 433, 739.
Cranfield, Edward, late Governor of New Hampshire, 996 iii., iv.
Cranston, Samuel, Governor of Rhode Island, 30 i.
......, ..., document signed by, 401 v.
......, ..., letters from, 673, 1074.
......, ... [1699], 1342.
......, ..., letters to, 675, 1094.
Craven, William, Baron, document signed by, 1268.
Crawford, —, 340 v.
Crawley, Richard, 1158.
Cresswell, H.M. ship, 123.
Crew, Matthew, 173, 919, 1058, 1105.
Croad, John, 1025.
Crofts, Henry, 13.
Crooked Island, 1364.
Crouch, William, document signed by, 267.
Crowe, Mitford, late Governor of Barbados, 166.
Crum, —, 571.
Cuba, 87 iii., 119, 673, 1158.
Cue, the (Hispaniola), 123.
Culliford, William, a Commissioner of Customs, document signed by, 1412 i.
Cumberland, H.M. ship, 737.
Cunningham, Robert, 1014.
Curaçoa, 6, 87 iii., 212, 256 i. (*c*), 323, 950, 987, 1014 xlix, 1033, 1059, 1137, 1150 ii., 1158, 1208 i., 1239 i., pp. 15, 899.
......, Governor of, letter from, 1326, 1327 iii.
......, ..., letter to, 1327 iv.
Curtis, Charles, document signed by, 450 xix.
Cushing, Theophilus, 433, 739.
Custis, John, 1176.
......, John, junr., 1176 vi.
Customs, H.M. Commissioners of, 1208 i.; *and see* Mainwaring, A.; Clarke, Samuel; Newport, T.; Culliford, W.
......, ..., presentments, letters, &c. from, 914, 1014 lxvii., 1031, 1142, 1150, 1367, 1384, 1412, 1412 i; *and see* Lowndes, William.
......, ..., letters to, 1150 ii., 1261, 1378 ii., 1392; *and see* Lowndes.
......, Secretary of. *See* Sansom, John.
Cuthbert and Spranger, ship, 982, 1186.
Cutler, John, 476, 1171, 1344, 1385.
......, Thomas, senr., 1052.

D

Dacres, Robert, letter from, 1014 xvii.
Dains, Sir William, 23, 53, 73, 134.
...... (Davis), letter to, 138.
D'Albuquerque, and other foreign names. *See* Albuquerque.
Dam, Rip van, 100 i., 194.
......, ..., documents signed by, 29 iii.
Dames, Sir William. *See* Dains.
Dampier, Captain, 1407 i., p. 902.
Dane, Sir William. *See* Dains.
Daniel, Robert, 27 i., 438.
Darien, Isthmus of, 22.
Darnall, Henry, 379, 847.
Darrell, George, documents signed by, 535 xiv., 1014 xxxviii.
Dartmouth, Baron. *See* Legge, William.
......, letter from, 402, 442, 442 i.

Dartmouth, 1332.
Dartmouth (Mass.), 739.
Davenport, Francis, 519, 737, 1035, 1079.
Davice, Simon. *See* Davis.
David's Island, 1014 L.
Davies, George, document signed by, 1.
......, Mary, 457.
Davis, —, 1425 I. (*f*).
......, —, p. 615.
......, —, Secretary of New Hampshire, 715.
......, Benjamin, 30 V., 269, 380.
......, James, 433, 739, 1070.
......, ..., document signed by, 450 XVII.
......, John, 1016.
......, ..., deposition of, 535 II., 1014 XXVIII.
......, Joseph, 30 IV.
......, Peirce, 981 XII.
......, Simon, 433.
Davison, Captain, 388 I.
Dawes, William, 30 IV.
Dawley, —, 232, 473.
Daws, Sir William. *See* Dains.
Dawson, George, 948.
Day, Samuel, late Governor of Bermuda, 35, 89, 503, 534, 538, 608, I., VI., 839, 913, 1014 XIV., XVI. (*a*), XXI. (*a*), XXVII., XXXVI., XLIII., XLVI., XLVIII., XLIX., L., LI., LXVII., 1142, 1158, 1158 XV., 1313.
...., depositions of, 1014 XLVI., L., LI., 1158 III., V.
......, ..., letter from, 136, 1014 LXII.
......, Sir Thomas, 89, 1142.
Deacon, George, 519, 1035, 1079.
Dean, Benjamin, 30 IV.
......, John, document signed by, 450 XIX.
......, Thomas, 625.
Dedham (Mass.), 433, 739.
Deerfield (Mass.), 269, 798.
Defiance, H.M. ship, 123, 123 I., 270, 1116.
De Jonge Jan, ship, 151 I., 646 II.
Delancey (Delaunay), Noah, 1086, 1093, 1097, 1228.
......, ..., document signed by, 1082 (*i*).
......, Stephen, documents signed by, 29 III., 748.
Delaware, 15 I.
......, Cape, 1150 IV., 1388.
......, River, 3, 15 I., 24 II., 218, 910, 937, 973.
Dell, Richard, petition of, 1297.
Demmilliane. *See* Emilien.
Dempsey, Elinor, 1115.
Denison, William, 433, 739.
DENMARK, and the Danes, 38, 1065, 1072 I., 1119, 1327 V., VI., VII.
......, Prince George of, Lord High Admiral, 143, 1135.
......, ..., letters, instructions, memorials, from, 97, 143, 191, 427, 502, 541, 541 I., 549, 581, 641, 737, 972, 989, 992, 1020, 1021, 1022, 1279, p. 350.
......, ..., letters, reports, memorials, &c. to, 38, 38 I., II., 55, 55 I., 170 [? 246], [? 247], 607 IV., 609, 763, 763 I., 790, 790 I., 794, 1149, 1208 I., 1254, 1278, 1384, 1389, 1389 I., II.
Denn, Captain, 737.
Dennis, Isaac, 30 IV.
......, Thomas, 30 IV.
Dent, William, 658.
Deperigny, —, document signed by, 87 I., II.
Depeyster, Abraham, 41, 100, 222, 249, 340 V.
Deptford, 1247.
Devonshire Tribe (Bermuda), 1014 XVI. (*b*).
D'Iberville, and other foreign names. *See* Iberville.
Dickeson, John, 237, 503 II.
Dickinson, Caleb, document signed by, 618.
......, John (Dickenson), 1014 XII., LI., p. 616.
......, ..., deposition of, 1158 X.
......, ..., documents signed by, 535 XIV., 1014 XXXVIII., XXXIX., XLII.
Diggs, Dudley, 1176 VII.
Docmenique, Paul, 3, 23, 28.
Dodd, —, 673, 1321.
Doddington, 125.
Dogett, John, deposition of, 338, 444.
Doña Maria, Cape, 123.
Done, John, 433.
Dorchester (Mass.), 433, 739, 795.
Dorchester County (Maryland), 658, 1031.
Dormer, Ephraim, 739.
Dorset, Christian, 1014 VI.
Dos d'âne (Dodan), 737.
Doubledee, Elisha, 1052.
Douglas, Andrew, 979, 995, 1023, 1119.
......, ..., letter from, 916, 1055 II., VI., 1057.
......, ..., letter to, 1055 V.
Dove, Captain, 914.
Dover (New Hampshire), 413, 432, 696, 698, 672, 1425 I. (*h*).
Dow, Andrew, 1145.
......, Henry, 1365, 1425 I.
Downing, Patrick, 340 V,

Downing, Patrick—*cont.*
......, ..., documents signed by, 535 iii., xiv., 1014 xxxvii.
Downman, William, 494.
Downs (Downes), Jonathan, 769, 826, 1195, 1343.
......, Richard, 769.
Downs, the, 77 i.
Dreadnought, H.M. ship, 30, 1293.
Dreyden, John, 30 iv.
Drummond, Richard, 523.
Du Bois, Samuel, document signed by, 267.
Duc de Berry, ship, 1329.
Ducasse, M., 22, 123, 124, 275, 289, 617, 1128, 1224 i.
Du Casteel, Edmd., 18 i.
Dudley, Joseph, Governor of Massachusett's Bay and New Hampshire, 3, 8, 30 iv., 137, 183, 192, 269, 322, 493, 564, 730, 761, 789, 861, 944, 1111, 1114, 1125, 1425, 1425 ii., pp. 42, 195.
......, ..., letters, addresses, &c., from, 30, 30 i., 31, 31 i., ii. v., 32, 160, 178, 226, 239, 315, 315 i., 319, 401, 512, 536, 543, 543 i., 544, 544 i., 590, 609, 611, 627, 654, 673, 674, 674 i., ii., 697, 697 i., 717, 854, 911, 922, 965, 996, 996 i., 1001, 1008, 1025, 1037, 1245, 1396, 1409, 1422, 1422 ii., 1425 i. (*c*), (*f*), (*h*).
......, ..., letters, &c. to, 30 ii., 75, 137, 183, 225, 226, 233, 238, 239, 265, 266, 315, 347, 512, 529, 576, 580, 580 i., 619, 627, 652, 673, 675, 687, 687 i., ii., 694, 697, 699, 715, 739, 812, 825, 830, 830 i., 860, 894, 930, 963, 965, 989, 996 iv., 1001, 1006., 1029, 1085, 1094, 1094 i., ii., iii., 1198, 1198 i., 1201, 1246, 1265, 1334, 1342, 1365, 1398, 1398 i., ii., 1399, 1425 i., 1425 i. (*d*), (*g*), (*i*).
......, ..., documents signed by, 1094 ii., iii.
......, ..., Capt.-General and Vice-Admiral of Rhode Island, 401 iv., 512, 697 ; *and see* RHODE ISLAND.
......, Sir Matthew, 53, 59, 258, 264, 336, 350, 1201.
......, ..., letters, memorial from, 267, 404, 502, 824, 992, 1020, 1021.
......, Paul, 30, 925.
Ducroz, Peter, memorial of, 162.
Duke, Henry, junr., 1176 vi.
......, John, 826, 981 xii.
Duke's County (Mass.), 30 v., 739.
Dummer, E., 233, 350, 376, 388 i., 496.
......, ..., letters from, 5, 323, 324, 453, 791, 791 i., 794, 1041, 1068, 1068 i., 1133, 1137, 1265, 1277.
......, ..., letter to, 849.
......, Jeremiah, 488, 768, 779.
Duncombe, Antony, a Commissioner of Prizes, documents signed by, 1291, 1423.
Dungeness, 791 i.
Dunkirk, H.M. ship, 124, 270.
Dunstable (Mass.), 302, 759, 969, 1413.
Du Verger, Sieur, 986 ii.
Duxborough (Mass.), 433, 739.
Dyer, Peter, letter from, 119.

E

Eagle, H.M. ship, 379, 575, 658, 836, 914.
Eagle, galley, 388 i., 1401.
Earl, galley, 253, 270, 301, 624.
Eason, Robert, 1365, 1396, 1398.
......, ..., petition of, 1245, 1246.
East Chester, 226, 250, 251, 313, 554.
East Greenwich, Manor of, 501.
Eastham (Mass.), 433, 739.
Eastman, Philip, 433.
Easty, Captain, 996.
Eastwick, —, 670.
Eccleston, Theodore, 23, 75.
......, ..., letters, memorials from, 141, 147, 169, 183.
......, ..., letter to, 152.
Edgar, H.M. ship, 164, 453.
Edgertown (Mass.), 739.
Edlyne, (Edlin), Edmund, 173, 212, 447, 691, 1054, 1221, 1327 vi.
EDWARD I., 1266.
Edward, Abraham, 981 xii.
Edwards, Captain, 1364.
......, John, document signed by, 847.
......, Thomas, documents signed by, 1, 981 vi., 1339.
......, William, 34, 209, 523.
Eelles, Samuel, 30 v.
Effingham, Lord Howard of, late Governor of Maryland, 1150.
Egerton, Robert, petition of, 880.
Egerton (Mass.), 739.
Egans [Egon], James, 1141.
......, ..., letters from, 1147, 1155.

Elbridge, Aldworth, 173, 998, 1024, 1048, 1058, 1097.
......., ..., document signed by, 1046.
Eldrid, Captain, 670.
Elizabeth, Queen, 847.
Elizabeth, Cape, 1425 VIII. (*b*).
Elizabeth City County (Va.), 127, 140, 494, 522, 523, 616, 1176, VIII., XII.
......., parish (Jamaica), 1043.
......., River (Va.), 127.
......., Town (New Jersey), 1249.
Elizabeth, H.M. ship, 103.
......., sloop, 836.
Elk River, 847.
Elliott, —, 217, 1425.
......., Richard, 826.
......., Robert, 1125.
Ellis, Charles, document signed by, 450 XVIII.
......., John, 173, 254, 938.
......., ..., document signed by, 1086.
......., ... petition of, 1082 (iii.), 1083 I.
......., John, junr., 815.
......., ..., petition of, 1082 (iii.), 1083 I.
......., Munoa, 1242.
Emilien, Gabriel d', document signed by, 847.
Emry, Mrs., 1327.
Endecott, —, 584.
Enfield (Mass.), 530, 929.
Engineers in the American Colonies. *See* NEW YORK, &c.
English Harbour (Newfoundland), 387, 1379 I.
Ennalls, Thomas (sometimes written Erinals), 160, 434 I., 658.
Epps, Francis, 494, 981 XII.
......., Littlebury, 364.
Eskeridge, George, 450 XIX.
Essequibo, 646 IV., V., VIII., XI., 923 II., VI.
......., minutes of Council, 646 IX., X.
Essequibo River, 151 II.
Essex County (Mass.), 30 V., 413, 432, 433, 739, 795, 798, 898, 921, 969, 1053, 1420 VII.
.... (Va.), 480, 494, 514, 551, 981, XII., 1176 XII.
Essex Buildings, 1014.
Essex prize, H.M. ship, 450.
Estatia, Island, 737.
Este, Peter van, 1249.
Estwick, Christopher, 769, 1063, 1091, 1102, 1121, p. 329.
Etien, Point, 737.
Evans, Anthony, 494.
......., John, Deputy-Governor of Pennsylvania, 884, 903 I., 904, 910, 915, 930, 935, 937, 973, 989.
Everden, Walter, 1302.
......., ..., instructions to, 712.
Everett, John, 999.
Evermore, Daniel, 1052.
Every, Henry (pirate), 1014 XLIX., L.
Exeter, 55 I., 1332.
......., ..., letter from, 402, 442, 442 I.
Exeter (New Hampshire), 1425 I.
Experiment, H.M. ship, 270, 1023.
Eyres, John, 30 IV.

F

Fairborne, W., 737.
......., ..., documents signed by, 1071.
Falkland, ship, 672.
Falkner, Abigail. *See* Faulkner.
Falmouth (England), 233, 323, 791 I., 1041, 1276.
Falmouth, H.M. ship, 123, 123 I., 270, 876, 914, 961, 982 II., IV., 1176.
Fame, ship, 1015, 1150 IV., p. 902.
Fant, Bartholomew, document signed by, 1086.
Farlar, John, 981 XII.
Farmer, Edward, 1150 III., 1223 III. (*b*), 1407 I., p. 900.
......., Thomas, 15 I.
Fauconnier, P., 489.
......., ..., document signed by, 42 II.
Faulkner, Abigail, 929, 940, 954.
Faver, Henry, deposition of, 1327 XV.
Fennings, —, 519, 1079.
Fentham, Thomas, 364.
Fenton, William, petition of, 457.
Fenwick, Thomas, 1150 IV.
Fermouse (Newfoundland), 1379 I.
Ferryland, 783 I., 1264, 1379 I.
Fifield, Giles, document signed by, 267.
Finch, Daniel, Earl of Nottingham, Secretary of State, 3, 23, 125, 275, 301, 338, 341, 586, 587, 758, 783, 911, 996.
......., ..., documents signed by, 317, 593, 598, 704, 878 I., 1223.
......., ..., letters, instructions from [1702], 5, 26, 46, 53, 56, 70 [? 87], 301, 694, 749, 804, 860.
......., ..., ... [1703], [? 129], 144, 158, 200, 244, 347, 350, 357, 358, 388, 391,

Finch, Daniel, letters, instructions from [1703]—*cont.* 398, 401, 401 i.-vii., 410, 411., 449, 472 [? 487 i., ii.], 490, 496, 497, 508, 509-512, 513, 526, 545, 552, 562, 607 i., iii., iv., 661, 710, 727, 732, 782, 792, 802, 803, 834 i., 888, 914, 945, 959, 1014, 1014 lxvii., 1025, 1029, 1031, 1053, 1054, 1088, 1089, 1090, 1155, 1158, 1194, 1222, 1240, 1243, 1265, 1271, 1281, 1316, 1326, 1327, 1401, 1421, 1427, pp. 409, 469, 895.
......, ..., letters, memorials, to [1702], 3, 6, 11, 12. [? 22], 25, 26, 27, 30, 36, 37, 39, 58 i., 61, 70, [? 87], 119, 122, 123, 124, 301, 311, 401 ii.
......, ..., ... [1703], 160, 164, 178, 183. 188, 200, 208. [? 230]. 231. 233, [? 248], 252, 262, [? 271], 280, 284, 284 i., [? 298], 311, 350, 356, 358, [? 362], 373, 378. 401, 401 ii., 410. 411, 415, 422, 426, 449, 453, 485, 507, 511, 513, 526, 556, 619. 621, 636, 637, [? 645], 647, 658, [? 673]. 713, 715, [? 716], 724, 727, 727 i., ii., 728, 731, 732, 746, 747, 750. 764, 787, 788, 802, 812, [? 829], 842, 843, 888, 894, 895, 900. 903, 903 i., 945, 945 i., 959. 964, 977, [? 987]. 1014 lxix., [? 1015], 1041, 1056, 1068. 1068 i., 1080, 1128, 1141. 1149, 1155, 1158, 1160, 1166. 1166 i., 1170, 1174, 1174 i., 1189, 1189 i., ii., 1191, 1191 i., 1192, 1205, 1206, 1208, 1208 i., 1222, 1243. [? 1275], 1277, 1281, 1283, 1326, 1327, 1372, 1381, 1391, 1399, 1401, 1410, 1429, 1430.
Finney, John, 869, 1150 iii., 1407 i., iii.
......., Samuel, 950 ii.
Fishbourn, Ralph, 368 iii., 1151.
Fisher, Daniel, 433, 739.
......., John, 1385.
......., Samuel, 433.
Fiske, Thomas, 1426.
Fitch, Thomas, 625, 1385.
Fitz-Hugh, —, 1105.
......., William, document signed by, 450 xviii.
Fitz-James, Henry, Duke of Albemarle, late Governor of Jamaica, 356 i., 367, 384, 1326.
Flanders, 893, 1072 i.
Flats, the (Bermuda), 503.
Fletcher, Benjamin, late Governor of New York, 183, 188, 533, 629.
......., George, document signed by, 1086.
Flint, Henry, first Fellow of Harvard College, 13.
......., William, 30 iv.
Florence, frigate, 1401.
Florida, Gulf of, 559, 1383.
Flower, Thomas, 948.
......., ..., document signed by, 1086.
Floyd, — —, 279.
Flying Horse, sloop, 548.
Flynt, William. *See* Flint.
Fobes, Edward, 433, 739.
Fogg, Christopher, 123, 914. 961, 981, 982, 982 iii., iv., 1176.
......., ..., document signed by, 1424 i.
Foljambe, John, 156, 457.
......., ..., letter from, 209.
Fontabelle Plantation (Barbados), 1110, 1241.
Fontaigne-Toraille, Sieur, 986 ii.
Footer, John, documents signed by, 17 iv., v.
Forbes, Arthur, Earl of Granard, 961.
Forstall, Richard, deceased, 572.
......., Mrs., 572.
Forster, Mathew, 133.
......., Miles, 1249.
......., Thomas, documents signed by, 535 xiv., 1014 xxxviii.
Fort Charles (Jamaica), 161, 184, 319, 438 ; *and see* Charles, fort.
Fort Royal (Martinique), 737, 1329.
Forthill (Boston), 1039.
Fossicker, Richard, 494.
Foster, John, 413, 739, 1266.
......., Joseph, 494, 523.
......., Thomas, 779.
......., William, 433.
Fowey, Mayor of, letter from, 402, 442, 442 i.
Fowke, —, 200.
Fox, Henry, 1176 vi.
......., Sir Stephen, letter from, 1026, 1029.
......., Thomas, 919.
......., William, 1176 vi.
Foxcroft, Francis, 30 v.
Framingham (Mass.), 433, 717, 739, 898, 890.
France, John, 127.
FRANCE, and the French, 16, 19, 31 iii., iv., v., 264, 342 i., 380, 387, 432, 433, 472, 481, 489, 529, 546, 548, 625, 694, 739, 741, 748, 764, 783 i., 1025, 1067, 1094, 1094 ii., 1155.
......., war with, 6, 18 i., 24 i., 27 i., 30, 33, 36, 40, 86, 87, 87 i., iii., 93, 95, 123, 124, 125,

France and the French, war with—*cont.* 135, 148, 149, 161, 170, 173, 192, 193, 195, 198, 209, 225, 244, 259, 269, 272, 275, 285, 289, 298, 301, 315, 328, 345, 347, 362, 368, 369, 380, 398, 401 ii., iv., 449, 450 x., xi., xii., 456, 457, 460, 473, 479, 487 i., ii., iii., 488, 497, 508–512, 518, 543, 547, 558, 559, 571, 583, 611, 652, 673, 678, 716, 737, 738, 750, 782, 791, 792, 798, 804, 805, 809, 827, 831, 836, 838, 844, 849, 860, 872, 898, 899, 914, 919, 921, 926, 929, 936, 939, 950, 958, 981, 981 vi., 981 vii., 986, 986 i., ii., 994, 996, 999, 1009, 1011, 1014, 1014 lxvii., lxix., 1025, 1031, 1037, 1039, 1042, 1052, 1067, 1071, 1072 i., 1087, 1088, 1089, 1090, 1094, 1098, 1102, 1110, 1116, 1116 ii., 1119, 1121, 1124, 1124 i., 1128, 1131, 1137, 1138, 1150, 1150 iv., 1158, 1165, 1190, 1191, 1191 i., 1194, 1195, 1201, 1205, 1208 i., 1222, 1223, 1224, 1224 i., 1229, 1243, 1252, 1264, 1265, 1268, 1270, 1304, 1305, 1106, 1308, 1316, 1320, 1320 i., 1326, 1327, 1329, 1330, 1330 i., 1332, 1338, 1339, 1359, 1364, 1368, 1369, 1371,1381, 1383, 1387, 1389 ii., 1391, 1392, 1393, 1413, 1424 i., 1425 viii. (*b*).
......, ..., bill for the better carrying on of, 345.
......, Canada, French, in, 1, 401 iv., 488, 533, 836, 860, 861, 899, 1078, 1150, 1395.
......, Hudson's Bay, French in, 104.
......, Leeward Islands, French in, 4, 192, 561, 986; *and see* MARTINIQUE; GUADELOUPE.
......, Massachusetts, French in, 529, 611.
......, Newfoundland, 1, 156, 342 i.; *and see* NEWFOUNDLAND (merchants); FRANCE (war with).
......, New Hampshire, 611.
......, New York, 42, 269, 585, 591, 620, 835, 905.
......, Nova Scotia, 611, 1094, 1131.
......, Rhode Island, French in, 269.
......, St. Mary's, 22.
......, St. Kitts, 125 i., 1412 i.
......, Virginia, 493, 532, 836, 1186, *and see* Joux, M. de.
......, WINDWARD ISLANDS, 170; *and see* CARIBBEE ISLANDS.
Francis, Thomas, petition of, 493.
Francis and Sarah, ship, 1327 v.
Frankland, Henry, document signed by, 1071.
......, Sir Thomas, Post-Master General, letter to, 425, p. 350.
Frarey, Elizar, 433, 739.
Frayser, John, 1176 vi.
Freeman, John, 575.
......, Thomas, 173, 190, 412, 428, 476, 774, 785, 865, 883, 919, 937, 953, 1040, 1043, 1093, 1103, 1107, 1134, 1218.
......, William, 232.
French, Philip, 100, 982.
......, ..., documents signed by, 29 iii., iv.
......, Stephen, 433, 739.
Frere, Tobias, 880, 1121.
Fretwel, Peter, 1249.
Frisby, James, deceased, 160.
Frost, Charles, 739.
......, James, 433.
......, Nathaniel, 30 iv.
Fry, James, 433.
Fryer, Nathaniel, 670, 996, 1425.
......, ..., petition of, 1234.
Fryer's Island, 137.
Fuller, Francis, 30 iv.
Fundy, Bay of, 1094.

G

Galdy, Lewis, petition of, 212.
Gallaway, 745, 745 i.
Gallions, River, 737.
Gallop, Benjamin, 1025.
......, Joseph, 1025.
GAMBIA, 909, 1158.
Gardiner, John, 161.
......, Thomas, 1249.
Gardner, Captain, 1133.
......, John, 768.
......, Samuel, 433, 739.
Gardner's Island, 768.
Garsett, James, 1109.
Garton, Thomas, documents signed by, 29 iii., 748.
Gattrell, Richard, documents signed by, 1.
Gay, John, 173, 938, 1107, 1196.
Gayer, John, 433.
......, William, 739.
Gaylard, Joseph, memorial of, 162.
George, Prince of Denmark, petitions to, 38, 18 i., ii.; *and see* DENMARK.
George, John, 30 i.

Gerrish, —, 715, 996.
Gibbs, Thomas, 1112.
Gibson, Robert, document signed by, 981 VII.
......., Samuel, 775, 1232.
......., ..., petition of, 178.
Gilbert, John, 1014 XLVIII.
......., Richard, 237, 608 I., 1014 XLVIII., LI.
......., ..., document signed by, 1014 XXXIX.
......., ..., letter to, 1014 LV.
......., ..., petition of, 1014 XVI (*b*).
......., Richard, junr., 1014 LI.
......., ..., petition of, deposition of, 535, XVI., 1014 XLIV.
......., Samuel, 1014 LIV., 1158 XV.
......., ..., deposition of, 1310.
......., ..., document signed by, 1014 LIII., p. 616.
......., Samuel, junr., document signed by, 1014 LIII.
Giles, Thomas, 494.
Gill, John, 481, 532.
......., ..., petition of, 493.
......., Stephen, 491, 532.
......., ..., petition of, 493.
Gilliam, Benjamin, petition of, 1349.
Gilligan, Manuel Manasses, 572, 804, 1065, 1091, 1195, 1223 IX., 1343.
......., ..., deposition of, petition of, 861, 1121.
Gillson, Thomas, document signed by, 450 XVIII.
Gilman, —, 1425 I. (*f*).
Glasuck, George, document signed by, 450 XIX.
Gloucester (Mass.), 433, 739.
Gloucester County (Va.), 494, 523, 836, 981, XII., 1176 VII., XII.
Gloucester, H.M. ship, 124, 270, 1221.
Goby, John, petition of, 1138.
Goddard, Carleton, document signed by, 1332.
......., John, late Governor of Bermuda, 503 II., 1014 LXI.
Godin, —, memorial from, 545.
Godolphin, Sidney, Baron Godolphin of Rialton, Lord High Treasurer, 41, 305, 324, 423, 424, 566, 577, 783 I., 826, 985, 1025; *and see* TREASURY.
......., ..., letter from, 713.
......., ..., letters, instructions, petitions, to, 204, 279, 281, 281 I., 336, 339, 339 I., 485, 607 III., 609, 713, 930, 989, 1000, 1006, 1206, 1291, 1291 I., 1384, 1412, 1412 I.
Godwin, Joseph, 492.
......., Thomas, 492, 836.
......., Thomas, junr., petition of, 494.
Gold, John, 433.
Gold grove Plantation (Antigua), 161 I.
Golden Island, 22.
Golden Lion, ship, 133, 145, 169.
Gomers, Ezekiel, 184.
Gomersall, —, petition of, 301.
Gooch, James, 529, 1037, 1039.
Goodale, John, 532.
......., ..., petition of, 473.
Goodkin, Nathaniel, deceased, 31 VI.
Goodwin, Samuel, 86.
Gookin, Samuel, 694.
Goole, Henry, document signed by, I.
Gordon, John, document signed by, 981 VI.
......., Thomas, 1219, 1267, 1286, 1350.
Gorcham, John, 30 V., 433.
Gorton, Joseph, 30 IV.
Gosport, H.M. ship, 13, 30 IV., 315, 319, 320, 544, 673, 898, 940, 1094, 1398, p. 603.
Gosselin, William, a Commissioner of Prizes, document signed by, 1291, 1320.
Gouge, Edward, petition of, 768.
Gouldman, Edward, document signed by, 981 VII.
Gourdon, —, 1400.
Gove, John, 1232.
Gracedieu, Sir Bartholomew, 576, 590, 764, 1083, 1133, 1226, 1342, 1401.
......., ..., letters, petitions, memorials, from, 182, 618, 619, 1147 I., 1221, 1238, 1238 I., 1240, 1257, 1261, [? 1288], 1384, 1387.
......., ..., letter to, 606, 1129, 1141, 1148.
Graisbury, Hester, deposition of, 1014 XXI. (*b*).
......., James, 1014 LVII.
......., ..., letter from, 1014 LV.
Granard, Earl of. *See* Forbes, Arthur.
Grand-terre, 737.
Grant, Joseph, 920.
......., William, 227, 981 XII., 1063.
Granville, Sir Bevil, Governor of Barbados, 235, 353.
......., ..., addresses, letters, &c., from, 248, 714, 787, 788, 792, 829, 831, 831 I., 945, 945 I., 959, 986, 986 I., II., 987, 988, 988 I., 1009, 1009 I., II., 1010, 1072, 1072 I.-III., 1090, 1091, 1110, 1170, 1177, 1189, 1189 I., II., 1192, 1205, 1222, 1223, 1223 I.-IX., 1229, 1233, 1235, 1241, 1265, 1287, 1305, 1316, 1326, 1329.

Granville, Sir Bevil—*cont.*
......, ..., letters, instructions, to [1702], 3, 20, 23, 804, 880.
......, ..., addresses, letters, &c. to [1703], 134, 204, 215, 215 I., 216, 490, 497, 508, 527, 528, 545, 555, 556, 594, 634, 732, 742, 747, 792, 826, 831, 848, 926, 959, 988, 1050, 1072 I., 1080, 1205, 1206, 1222, 1223, 1241, 1244, 1295, 1305, 1311.
......, ..., Vice-Admiral of Barbados, 678, 986, 986 I., II.
......, John, Earl of Bath, 1268.
......, ..., document signed by, 1268.
......, ..., memorial to, 1268 I.
......, John, Baron of Potheridge, a Commissioner of Ordnance, documents signed by, 176, 622, 1262, 1347, 1354.
Graton, Helie, document signed by, 87 I., II.
Graves, John, 79, 183, 295, 336, 338, 340, 341, 383, 444, 534, 554, 902, 1078, p. 195.
......, ..., petition of, 340 III.
Gravesend, 365 I., 427.
Graydon, John, Rear-Admiral, 348, 369, 723, 783 I., 855, 885, 885 V., VI., 888, 888 II., 916, 948, 967, 979, 1116, 1131, 1133, 1191, 1224, 1224 I., 1307, 1322, 1381, p. 459.
......, ..., document signed by, 1071.
......, ..., letter from, 1128, 1375, 1376.
......, ..., letters, instructions, to, 885, 885 II., 888 III., 1071.
Great Island, 185, 199 III., 265, 307, 1365, 1398.
Greatbeach, Daniel, 1014.
......, ..., deposition of, 1014 LVIII.
Green, Bartholomew, 93, 584.
Green's Pond (Newfoundland), 1379 I.
Green Island (Newfoundland), 1379 I.
Greener, Richard, petition of, 591, 796.
Greenleafe, Stephen, 433, 739.
Greenough, Daniel, 30 IV.
Greenwell, James, 592.
Greenwich, H.M. ship, 123, 123 I., 270.
Gregory, Matthew, 1218, 1228.
......, ..., document signed by, 1086.
Gresley, Samuel, 1118.
Gretton, Enoch, 1063, 1244.
Grey, Ralph, Baron of Werke, late Governor of Barbados, 547, 745 I., 805, 912.
Greyhound, ship, 488, 584, 613, 717, 1323.
Grezellieur, John, petition of, 661.
Griffin, Benjamin, 1014 L.
......, Corbin, 532.
......, Daniel, petition of, 1228.
......, William, 1014 L.
Griffith, Alexander, 1035.
Grimma, Jonathan, 1264 IV.
Gripin, —, 1327 XII.
Groves, Henry, 663.
Growden, Joseph, 17 I.
Groyne, the, 124.
Guadeloupe, 192, 193, 229, 362, 547, 723, 737, 792, 831, 838, 849, 885, 950, 958, 1011, 1128, 1265, 1283, 1270, 1271, 1304.
......, Governor of. *See* Hinselen, Pierre.
Guavas Bay, 737.
Guernsey, 745 I.
Guernsey, H.M. ship, 876, 914, 951, 1053, 1176 VIII., X.
Guest, John, 17 I., 950 II., 1150 III., 1407 I., III.
Guinea, 661, 1119, 1265, 1293, 1370 I.,
......, Royal West India Company in. *See* Lawrence, John.
Gundry, John, 133.
Guy, 24 I.
Gwinn, Rowland, 981 XII.
Gwyn, David, 494.
Gyles, John, 1025.

H

Hack, George Nicholas, 1176 VI.
Hacker, Jeremiah, 30 IV.
Hackshaw, Robert, document signed by, 267.
Hadley (Mass.), 433, 739.
Hadlock, John, 30 IV.
Haffacar (Hassacar), Richard, document signed by, 450 XVIII.
Haggoman, Isaac, petition of, 364.
Hague, the, 6.
Haistwell, Edward, 53.
Haley (Halsy), John, 572, 1065.
......, ..., petition of, 661, 804.
Half-Moon, fort (New York), 533, 1018.
Hall, Arthur, 1113.
......, Benjamin, 1242.
......, Elisha, 739.
......, E., document signed by, 618.

Hall—*cont.*
......., Gershom, 1242.
......., Henry, document signed by, 847.
......., Samuel, 30 iv., 1242.
......., Thomas, 237, 1014 li.
......., ..., documents signed by, 1014 xxxix., xli., liii., 1158 xiii.
......., William, 1249.
Hallam, Nicholas, 1342, 1351.
......., ..., memorial from, 1342, 1351, 1353.
Hallett, John, 769.
Halliwell, Richard, documents signed by, 17 iv., v., 858.
Halsey, John. *See* Haley.
Hamilton, Andrew, Lieut.-Governor of Pennsylvania, 3, 9 i., 17, 24 ii., 28, 74, 147, 154, 207, 207 i., 218, 220, 226, 233, 234, 368, 368 iii., 761, 858, 864, 869, 893, 1400, 1407 i., iii., p. 14.
......., ..., letters from, 24, 24 i.
......., John, 434 i., 1061.
......., ..., letter from, 575.
......., Joseph, 30 v., 739.
......., Walter, 297, 299, 436, 490, 495, 561, 737, 958.
......., ..., petition of, 845.
Hampshire (Mass.), 30 v., 433, 477, 929, 1067, 1075, 1266.
Hampshire County (Mass.), 739.
Hampton (New Hampshire), 199 i., 672, 698, 1183, 1425 i.
Handaside, Thomas, Governor of Jamaica, 19, 22, 23, 27 i., 184, 208, 272, 275, 322, 328, 438, 948, 1066, 1149 i., 1221, 1324, 1360.
......., ..., document signed by, 1100.
......., ..., letters, memorials, &c., from, 25, 26, 27, 280, 284, 284 i., 291, 310, 310 i., 496, 524, 524 i.–viii., 525, 590, 623, 631, 727 i., 729, 732, 738, 764, 764 i., 874, 885, 885 i.-vi., 886, 886 i.-iv, 887, 888, 888 i.-iii., 1047, 1051, 1055, 1055 i.-vii., 1056, 1057, 1080, 1113, 1119, 1119 i.-v., 1124, 1124 i.-vi., 1155, 1166, 1204, 1283, 1306, 1325, 1325 i., 1326, 1327, ·1327 i.-xx.
......., ..., letters, instructions, to, 19, 26, 301, 319, 350, 354, 356, 356 i., 367, 396, 455, 490, 496, 619, 631, 747, 758, 764, 840, 841, 843, 851, 864, 870, 874, 885, 887, 888, 895, 916, 930, 960, 963, 979, 1051, 1055, 1055 ii., iv., 1057, 1089, 1099, 1119, 1204, 1206, 1295, 1306,
Handaside, Thomas, letters, instructions, to—*cont.*
1316, 1325, 1326, 1327, 1327 iii., v., xiii., 1410, 1411.
Hanking, Mark, 996 iii.
Hannaway, John, document signed by, 1071.
Hannay, James, 328.
Hannis, Darby, 1102.
Hans Harbour (Newfoundland), 387.
Hanses, Josiah James, 1252.
Hansford, William, 1176 vi.
......., ..., document signed by, 450 xix.
Hanson, John, document signed by, 1086.
......., Hans, 1118.
Hanssen, C., Governor of St. Thomas', 1326; *and see* St. Thomas (Governor of).
Hapgood, Thomas, petition of, 1266.
Hara, Sir Charles, 134, 288.
Harbour Grace (Newfoundland), 1379 i.
Harbour Maine (Newfoundland), 1379 i.
Harcourt, Simon, Solicitor-General, 101, 134, 160, 450, 1236.
......., ..., letters to, 825, 1155, 1159.
......., ..., opinions, &c., of :—
Barbados, trial of spies, 259.
Bermuda, laws of, 850, 851, 1356, 1357.
Jamaica, laws of, 747, 756, 757, 1252, 1333.
Maryland, laws of, 747, 756, 756 i., 825, 850, 851, 854.
Harding, Henry, 804, 1063, 1244.
......., ..., petition of, 624.
Haret, Durivage, document signed by, 87 i., ii.
Harford, John, document signed by, 535 xiv.
......., Thomas, 535 iii., 1014 xxxvii.
Harper, George, 1063, p. 329.
Harradine, John, 929.
Harralson, Paul. *See* Hurrelson.
Harris, Benjamin, 30 iv.
......., ..., document signed by, 1424 i.
......., John, 494.
......., Richard, document signed by, 618.
......., William, 1118.
Harrison, —, 981.
......., Benjamin, 127, 140, 174, 450, 494, 520, 521, 1115, 1176, 1186.
......., ..., letter from, 914.
......., John, 1249.
......., Nathaniel, 494, 523.
......., Robert, 769.
......., Thomas, document signed by, 405 xviii.

Harry (of Conestogo), 18 i.
Hart, —, 678.
......, Edward, document signed by, 450 xviii.
......, William, 34, 135.
......, ..., document signed by, 40.
Hartford, (Conn.), 530.
Hartnoll, J., document signed by, 1071.
Hartshorn, Richard, 1249, 1267.
Harvard College (Mass.), 13, 478, 1266, pp. 249, 455.
......, Vice-President of. *See* Willard, Samuel.
Harvey, John, document signed by, 535 xiv.
......, Thomas, 1426.
......, Samuel, 1014 xvi. (*a*), (*b*).
Harwich (Mass.), 1232, 1242.
Harwood, Nathaniel, 885 iii.
Hasell, Richard, 457.
Haseltine, David, 433.
......, John, 739.
Haskett, Elias, late Governor of Providence, 79, 80, 81, 183, 295, 336, 338, 457.
......, ..., memorial from, 340 iii., v.
Hassanamisco, 1073, 1413.
Hatch, Rio de, 124.
Hatfield (Mass.), 433, 500, 739.
Hathorne, John, 13, 30 v., 739, 1034.
Haughton, Stephen, 575.
Havana, 22, 87 i., 119, 119 i., 193, 200, 275, 289, 368, 750, 861, 1150, 1325, 1383.
......, Governor of, letter to, 124 i.
Haven, John, 433, 739.
Haverhill (Mass.), 433, 460, 969.
Hay, William, Earl of Kinnoul, 536.
Haycock, —, 328.
Hayes, —, engineer, 1072 i., 1177, 1178, 1205, 1287.
......, James, 30 iv.
......, Jonathan, 1151.
Hayman, Samuel, 760; *and see* Heyman.
......, William, 739.
Haynes, Christopher, document signed by, 316.
......, Richard, 1240.
......, ..., memorial from, 1257.
......, ..., letters to, 1226, 1233.
Heading, Lawrence, deposition of, 750; *and see* Hedding.
Heart's Ease (Newfoundland), 387.
Heart's Content (Newfoundland), 387.
Heathcote, —, 363.
......, Caleb, 100 i.
......, ..., document signed by, 29 iii.
Heathcote—*cont.*
......, Sir Gilbert, Agent for Jamaica, 576, 590, 606, 617, 764, 1133, 1147 i., 1221, 1238, 1342.
......, ..., documents signed by, 1082 iv., 1224.
......, ..., petitions, letters, from, 617, 1059, 1153, 1155, 1275, 1275 i.
......, ..., letters to, 1129, 1153, 1153 i.
......, Sir Gilbert, brother of above, petition of, 617.
......, Josiah, petition of, 617, 619.
Hedding, Lawrence, 87, 861.
......, ..., deposition of, 87 iii., iv., v., 750.
Hedges, Sir Charles, Secretary of State, 155, 1158 xiv., pp. 155, 199.
......, ..., letters from, 156 i., 292, 321, 347, 384 i., 396, 1219, 1226, 1260, p. 195.
......, ..., letters, &c. to, 116, 279, 290, 292, 299, 437, 446, 569, 1233, 1257, 1260, 1405, p. 195.
......, ..., Judge of the Admiralty, 87.
Hendow, James, document signed by, 981 vii.
Henley, Robert, 608 vi.
......, ..., deposition of, 535 viii., xxi. (*b*), 1014 xxvii.
Henlopen, Cape, 1150.
Henrico Co. (Va.), 494, 523, 559, 836, 914, 981 xii., 1053, 1176 xii., 1186.
HENRY III., 1266.
Henry, Cape (Va.), 836.
Herman, H.M. ship, 270.
Herne, Captain, 660, 1131.
Heyman, Samuel, 433, 760.
Heysham, William, 5, 135, 1102.
......, ..., Agent for Barbados, 804, 805.
......, ..., petition of, 804.
Heywood, John, 86, 209.
......, Peter, 1023.
Hickman, John, 833, 901, 1086.
Hidding, Lawrence, 861; *and see* Hedding.
Higginson, John, 739.
Hill, John, 1407 iv.
......, ..., documents signed by, 17 iv., v.
......, Joseph, 768.
......, Nathaniel, 433, 739.
......, Richard, a Lord of the Admiralty, documents signed by, 170, 526.
......, Thomas, 120 ii.
Hilliyard, John, petition of 127.
Hilson, Edward, 885 iii., iv.

Hilton, —, 1425 i. (*f*).

......., Hannah, deposition of, 535 xi., 1014 xix.

Hinckes (Hinkes), John, 1114, 1234, 1425, 1425 vi., viii.

Hingham (Mass.), 433, 739, 969, 1039, 1081.

Hinsdall, Mahuman, 798.

Hinselen, Pierre, late Governor of Guadeloupe, 737.

Hinson, Benjamin, documents signed by, 535 xiv., 1014 xxxvii.

......., Joseph, document signed by, 1014 xxxvii.

Hipsley, Peter, 30 iv.

Hislop, Francis, 1066.

Hispaniola, 87 iii., 95, 119, 124, 200, 275, 301, 583, 504, 1066, 1089, 1199, 1270, 1316, 1364, 1393.

Hitchcock, John, 433, 739.

Hobbs, Daniel, 30 iv.

Hobby, Charles, 30 v., 269, 999, 1025, 1039, 1081.

Hodges, Thomas, 490, 527, 528 (Barbados).

......., ..., letter to, 545.

......., Thomas, 494 (Virginia).

Hoe, Rice, 494.

Hog Island, 493, 532.

Hogg, Christopher, 914.

Holbeach, Joseph, 608 i., 1014 xvii. (*a*), p. 647.

......., ..., letter from, 1014 ii.

Holder, —, 328, 457.

......., John, 1063.

......., Melatiah, Agent for Barbados, 805, 1310.

......., Melisha, letter from, 1368, 1370 i.

......., William, 1063, 1091, 1223 (*b*), 1244.

Hole Division (Barbados), 1109.

...... Fort (Barbados), 1109.

...... Town, 1109.

Holland, —, 379.

......., Elizabeth, petition of, 167.

......., Thomas, 1074.

......., William, 434 i.

Holland, and the Dutch, 6, 42, 87 iii., 129, 193, 323, 472, 639, 737, 861, 950, 996 v., 1033, 1059, 1078, 1088, 1098, 1119, 1124, 1133, 1158, 1185, 1208 i., 1327 vi., vii., p. 17.

......., Dutch Spice Islands, 200.

......., Dutch West India Company, letters to, [? 151], 646, 646 i.-xi., 923, 923 i.-xv., 1187, 1187 i.

Hollard, Thomas, 1138.

Hollens, —, 1085.

Holliday, Anthony, 1176 vi.

Holloway, John, 450, 737.

Holmes, Archibald, 885 iii., iv.

Holmes—*cont.*

......., Edward, 981 xii.

......., Nathaniel, 413.

......., Thomas, document signed by, 267.

Holt, —, L.C.J., 338, 341.

......., John, 532, 1031.

......., ..., petition of, 493, 1118.

Honan, Daniel, late Secretary of New York, 194, 204.

......., ..., Secretary of New York, 249.

......., ..., letter from, 340 v.

Honywell, John, 902.

Hood, Thomas (Indian), 1344.

Hooglandt, Adrian, petition of, 585.

Hooper, Geoege, 572, 1092.

Hopewell, ship, 85, 150.

Hopkins, John, 981 xii.

Hopping, Nicholas, document signed by, 267.

Hopton, William, document signed by, 1100.

Horekills. *See* Whorekills.

Hornabrook, John, letter from, 1425 viii. (*b*).

Hoskins, —, 53.

Hotchkin, Robert, 820.

Hothersal, Thomas, 769.

Houblon, Charles, document signed by, 1332.

Houldsworth, Michael, 1103, 1127, 1130, 1152.

Hovey, Thomas, 433, 739.

Howard, Captain, 1133.

......., Charles, Earl of Carlisle, 570.

.............., ..., late Governor of Jamaica, 384.

......., Thomas, petition of, 898.

Howden, Michael, 1249.

Howe, John, 30 iv.

......., Thomas, 380.

Howell, Matthew, documents signed by, 29 iii., iv., 748.

......., Thomas, document signed by, 847.

Howes, Job., document signed by, 1268 i.

Howles, Barrantine, 1115.

Howlett, John, 457.

Hubbard, Edward, affidavit, deposition of, 535 xiii., 1014 v., lvi., lvii.

Hubbert, Robert, 494.

Hudson, Captain, 1015.

......., Thomas, 173, 182, 447, 212, 785, 938, 1058, 1079, 1105, 1228.

......., ..., document signed by, 1424 i.

......., ..., petition of, 212.

......., William, 15 i.

Hudson Bay, 1131, 1448.

Hudson Bay Company, memorial of, 104.
Hudson River, 533, 620, 639, 653, 655, 664, 807, 861, p. 466.
Hugg, John, junr., 1249.
Hughs, —, 996 v.
Hunlock, —, 519, 1079.
Hunt, Colonel, 1039.
......, Ephraim, 30 v., 760, 768.
......, Josiah, documents signed by, 29 iii., iv., 748.
Hunter, Nicholas, 981 xii.
Hurrelson, Paul, 493, 532.
Hurst, James, 457, 1195.
Hutchins, John, 29 iv., 224, 233, 249, 418, 490, 506, 513, 554, 709, 746, 905, 1078, 1156.
Hutchinson, —, 576, 1147.
......, Eliakim, 739, 1062.
......, Elisah, 739, 940, 1171.
......, Elisha, document signed by, 1420 ii.
......, ..., petition of, 954, 969, 1221, 1284.
Hyde, Edward, 1023.
......, Laurence, Earl of Rochester, letter from, 208.
Hyde, Edward, Viscount Cornbury, Governor of New York, 10, 16, 18 i., 29 iv., 63, 78, 87, 134, 147, 160, 183, 194, 197, 204, 285, 290, 292, 299, 315, 332, 336, 368, 422, 426, 454, 465, 466, 471, 489, 493, 534, 570, 616, 740, 794, 836, 944, 1132, 1150, 1176, 1190, 1400, pp. 320, 339, 340, 635, 899.
......, ..., documents signed by, 29 ii., iii., 325, 944 ii.
......, ..., commission for Government of the Jerseys, 1033, 1078.
......, ..., letters, &c., from, 3, 12, 23, 29, 29 i., 41, 41 i., 42, 42 i., 74, 75, 96, 100, 100 i., 103, 139, 160, 347, 368, 379, 411, 415, 422, 423, 424, 437, 455, 490, 507, 511, 513, 519, 521, 522, 528, 533, 554, 739, 746, 750, 761, 761 i., 828, 847, 860, 860 i., 861, 861 i., 899, 905, 930, 941, 947, 962, 966, 972, 984, 997, 1078, 1078 i., 1079, 1079 i., 1084, 1126, 1283, 1372, 1394, 1394 i.
......, ..., letters, instructions, &c. to, 41, 42, 147, 160, 172, 179, 180, 224, 226, 233, 249, 250, 321, 324, 340 iii., v., 346, 347, 350, 506, 513, 528, 540, 545, 554, 570, 629, 720, 731, 761, 860, 941, 963, 966, 1078, 1194, 1407 i., v.
......, ..., Governor of New Jersey, 1035, 1150.

I

Iberville, Chevalier de, 861.
Ince (Inch), Thomas, 1063, 1223 iii. (*b*), 1241, 1244.
Inchiquin, Earl of. *See* O'Brien.
Indians, 13, 16, 22, 31 ii., 264, 269, 285, 303, 315, 380, 401 iv., 413, 432, 433, 460, 500, 529, 543, 548, 554, 559, 611, 625, 652, 658, 672, 673, 694, 696, 698, 715, 739, 748, 760, 768, 775, 779, 795, 836, 860, 863, 871, 898, 899, 902, 908, 911, 914, 920, 940, 956, 965, 969, 996, 1014 lxvii., 1025, 1052, 1062, 1067, 1075, 1076, 1078, 1085, 1087, 1091, 1094, 1094 ii., 1110, 1144, 1150, 1190, 1198, 1225, 1232, 1242, 1266, 1274, 1287, 1297, 1317, 1318, 1323, 1342, 1344, 1351, 1353, 1385, 1386, 1395, 1398, 1403, 1413, 1409, 1413, 1425 ii., ix. (*b*).
......, Eastern, 13, 30, 31 iii., 93, 269, 413, 460, 652, 673, 739, 768, 779, 898, 940, 1037, 1067, 1094, 1094 ii., 1150, 1403.
......, Five Nations, *or* Iroquois, (*viz.*, Cayugas, Onondagas, Oneidas, Mohawks *or* Maquas, Senecas), 18 i., 315, 533, 836, 899, 1018, 1037, 1078, 1085, 1150, 1342, 1351, 1353, 1385.
......, French, 625; *and see* Canada.
......, Kennebec, 30.
......, Maherine, 616, 836, 914.
......, Mohican, address from, 1342, 1351, 1353; *and see* Five Nations (*above*).
......, Nansemond, 616, 914.
......, Natick, 929, 1385, 1403.
......, Nattoway, 616, 914.
......, Nipmugs, 584, 1073.
......, Pennicook, 302, 625, 1037, 1094 ii., 1287.
......, River, 861, 1018.
......, Shaachkook. *See* River (*above*).
......, Tuscarora, 914.
Indian River, 1407 iv.
Ingoldsby, Richard, late Lieut.-Governor of New York and New Jersey, 39, 78, 533.
Ipswich (Mass.), 433, 739, 1034.

IRELAND, 26, 189. 134, 342 I.. 453, 455, 849. 1119. 1121. 1190. 1391, 1397, 1401,
Irish, Samuel, 1195.
Isle of Wight, the, 77 I., 317, 373, 388 I.
Isle of Wight County (Va.). 494. 523, 516, 914. 981 XII., 1176 VII., XII.
Ive, John, 410.
......, ..., document signed by, 267.

J

Jackson, John, documents signed by, 29 III., 748. 1332.
......, ..., memorial from, 1381.
Jacobs, David, 477.
JAMAICA, 18 I., 24 I., 36. 40, 87 III., 303, 323. 418. 453. 608 II., 727, 737. 791 I., 849, 876, 1041, 1068, 1158, 1276.
......, Governor of, 195. 301 ; *and see* Beeston, Sir William ; Handaside, Thomas ; Beckford. William ; Selwyn, William ; Inchiquin, Earl of ; Peterborough, Earl of ; Brewer, Richard ; Albemarle, Duke of ; Vaughan, John ; Carlisle, Lord ; Lynch, Sir Thomas ; Modyford, Sir Thomas.
......, ..., salary of, 536 ; *and see* AMERICAN COLONIES (Governors of).
......, ..., letter to, 27 I., 301 ; *and see* Handaside, Thomas.
......, ..., letter from, 301.
......, Governor and Council of, 208, 242, 524, 657, 685, 1058, 1127, 1411.
......, ..., letters, &c., to, 598, 1055 VI., 1154, 1253, 1401, 1408.
......, ..., letter from, 1055 V.
......, Secretary of. *See* Baber, John.
......, Governor, Council and Assembly of, 1153 I.
......, Assembly of, 3, 11, 310, 356, 367, 685, 727, 1055, 1411.
......, ..., minutes of, 284, 284 I., 524 III., IV., VIII., 727, 732, 758, 784, 886 I., 897, 1155, 1203.
Jamaica, Assembly of—*cont.*
......, ..., journal of, 393, 412, 428, 439, 459, 476, 491, 496, 505, 727, 767, 774, 785, 806, 815, 821, 852, 862, 865, 901, 907, 919, 928, 938, 953, 970, 983, 998, 1017, 1024, 1036, 1040, 1046, 1058, 1086, 1097, 1101, 1105, 1107, 1119 V., 1127, 1131, 1143, 1164, 1182, 1197, 1218, 1228, 1327 XX.
......, ..., clerk of, letter to, 1203.
......, Council of, 356, 367, 685, 784, 818.
......, ..., minutes of, 3, 19, 27, 27 I., 161, 184, 195, 211, 253, 291, 291 I., 301, 319, 343, 385, 438, 440 I., 496, 504, 524 V., 651, 667, 729, 729 II., 764, 797, 809, 817, 820, 832, 846, 855, 870, 886 III., 896, 916, 948, 967, 979, 995, 1023, 1042, 1066, 1104, 1112, 1119 II., 1168, 1199, 1230, 1258, 1316, 1327 XVIII., 1364, 1393.
......, Councillors, 25, 27 I., 182, 183, 357, 651, 764, 1082 (iii.), 1220, 1326, 1326 I.
......, Council in Assembly, minutes of, 173, 190, 212, 228, 254, 268, 294, 322, 344, 363, 400, 447, 458, 469, 499, 524 II., 573, 605, 624, 638, 657, 685, 693, 758, 784, 810, 818, 833, 856, 873, 882, 886 II., 917, 924, 936, 949, 955, 968, 980, 1043, 1048, 1060, 1093, 1099, 1103, 1113, 1119 III., IV., 1123, 1130, 1152, 1163, 1181, 1196, 1217, 1327 XIX.
......, Council and Assembly, minutes of, 1227.
......, agents for. *See* Heathcote, Sir Gilbert ; Gracedieu, Sir Bartholomew ; Way, Benjamin.
......, currency in, 590.
......, customs, excise, 1113, 1252.
......, debts of, 384.
......, defences of, stores of war for, 19, 26, 30, 30 III., 93, 128, 162, 173, 178, 192, 212, 239, 274, 315, 319, 322, 363, 459, 476, 524 VII., 544, 570, 617, 618, 675, 729, 833, 882, 948, 996, 1082 (ii.), (iii.), 1108, 1113, 1119, 1133, 1153 I., 1168, 1224, 1238, 1239 I., 1327 XVI., 1347 I., 1360.
......, denization of foreigners, 384, 1252.
......, engineer in. *See* Lilly, Christian.

Jamaica—*cont.*
......, impressment of seamen, 124, 855, 885 III., 888 II., III., 916, 948, 966, 1043, 1055 II., 1179, 1224 I., 1254, 1389 II.
......, Jews in, 412.
......, ..., petition of, 384, 384 I., 391, 421, 422, 446.
......, laws of, 109, 115, 212, 228, 254, 268, 280, 310, 310 I., 344, 356 I., 363, 384, 393, 400, 412, 439, 440 II., 445, 447, 458, 459, 469, 476, 524 VII., 606, 617, 618, 623, 631, 638, 651, 657, 667, 685, 703, 747, 756, 757, 758, 784, 785, 803, 810, 815, 818, 821, 833, 865, 870, 882, 885, 886 IV., 897, 917, 919, 928, 936, 998, 1051, 1055, 1069, 1082 (iii.), 1083, 1096, 1100 II., 1105, 1113, 1127, 1133, 1135, 1141, 1146, 1147, 1147 I., 1148, 1149, 1149 I., 1153, 1153 I., 1154, 1155, 1179, 1204, 1217, 1220, 1221, 1226, 1238, 1240, 1252, 1255, 1306, 1326, 1327 XVII., 1333, 1401, 1411, 1439.
......, ... [1683], 384, 1401.
......, ... [1688], 356 I., 367.
......, ... [1699], 689, 691.
...... merchants and planters, petition of, 1224, 1328, 1342 ; *and see* naval protection (*below*).
......, militia in, 173, 1119, 1306, 1314, 1327 XVI.
......, mortality, pestilence, in, 1055, 1119, 1221, 1288, 1326.
......, naval protection, convoys, for, 16, 170, 319, 739, 817, 885 V., VI., 888, 888 I., 948, 966, 995, 1328, 1387, 1119, 1165, 1275, 1306, 1342, 1372, 1384, 1389, 1389 I., II.
......, negroes, 228, 253, 421, 970, 983, 1097, 1107, 1113, 1119, 1124 II., III.
......, pirates, 928.
......, proposals for settling, 1428.
......, revenue of, 3, 11, 19, 23, 343, 356, 356 I., 367, 384, 490, 496, 524 VI., 598, 657, 685, 758, 764, 1105, 1133, 1217, 1326, 1411.
......, servants, 393, 412, 491, 499, 852, 874, 928, 970, 983, 998, 1143, 1217.
......, Thanksgiving, day of, ordered in, 272, 275.
......, trade of, 173, 212, 228, 421, 469, 590, 950, 1059, 1069, 1342, p. 17, 469 ; *and see* Kingston ; Port Royal.
Jamaica, trade of—*cont.*
......, ... acts of, enforcement of, 19, 212 ; *and see* TRADE AND NAVIGATION.
......, ..., illegal, 1124.
......, ..., list of prices in Jamaica, 1100 I.
......, troops quartered in, 19, 26, 93, 173, 192, 208, 211, 274, 280, 344, 363, 412, 428, 439, 458, 459, 491, 499, 524, 524 III., 651, 657, 667, 685, 693, 729, 784, 785, 806, 810, 815, 818, 833, 852, 885, 886 IV., 888, 888 III., 919, 928, 936, 948, 1043, 1057, 1100, 1133, 1141, 1149 I., 1166, 1204, 1218, 1227, 1228, 1252, 1256.
......, ..., officers, petition of, 1120, 1133, 1149 I., 1256.
......, vessels seized in. *See* COURTS.
Jamaica (Queen's County), 29.
James I., 501.
JAMES II., 142 I., 837, 1400.
James, Edward, 1014 LVIII.
......, John, 1023.
James and Sarah, ship, 737.
James City (Va.), 494, 532, 836, 914, 1053.
James City County (Va.), 494, 532, 914, 1176 XII.
James Fort (Barbados), 56, 86, 328, 986 II.
...... (Jamaica), 1327 XVI.
James River (Va.), 364, 836, 1150 II., 1176 VII.
Jane and Cornelious, French ship, 87 I., II.
Jeffery (Jeffrey), George. *See* Jeffries.
Jeffreys, David, 85, 167, 996 V.
......, ..., petition, &c., of, 618, 1201, 1221.
......, Sir Jeffrey, 336, 350.
......, ..., memorials, petition, from, 317, 317 I., 324, 373, 377, 378, 388, 388 I., 391, 410.
Jeffries (Jeffery), George, 206, 238, 300, 697, 996, 996 II., III., 1365, 1425.
......, ..., letter from, 279.
Jenings, Samuel, 1035.
Jenkins, —, 499.
......, Barnaby, 161.
......, Francis, 434 I.
......, Henry, 492, 494.
Jenner, David, 1025.
Jennings, Edmund, Secretary of Virginia, 515, 914, 944, 981, 1150, 1176, 1360.
......, ..., documents signed by, 981 XV., XVI.
......, ..., petitions, letters, from, 515, 516, 522, 523, 616, 876, 876 I., II., 951, 1129.

Jennour, Captain, 608 i.
Jersey, 134, 745 i., 996 v.
......., trade with, 697.
Jersey, H.M. ship, 29, 645, 860, 861, 1190.
Jewell, John, 1038.
Jewett, Nehemiah, 433, 739.
Jews, the, 692.
......., petition of. *See* Jamaica.
Job, Andrew, 17 i.
Joddrell, —, Clerk of the House of Commons, letter to, 1401.
John of Exon, ship, 1317.
Johns, Daniel, 30 iv.
Johnson, —, 53.
......., —, 1147 (Jamaica).
......., —, (Major), 737.
......., Daniel, 1117, 1158.
......., ..., affidavit of, 1014 vi.
......., Daniel, junr., 909, 1014 l.
......., Francis, 1327 iii., v.
......., Jacob, 494.
......., James, 364.
......., Matthew, document signed by, 1290.
......., Sir Nathaniel, late Governor of Carolina, 28.
......., ..., letter from, 909.
......., Samuel, 739.
Johnston, —, 23.
......., Martha, 1074.
......., ..., petition of, 1117.
......., Robert, 1161, 1223, 1300.
Johnstone, Jer., document signed by, 1369.
Jones, —, 538, 1158, p. 615, 617 (late Sheriff, Bermuda).
......., —, wife of above, p. 617.
......., —, 989 (Va.).
......., —, (Major), 1265, 1283.
......., Edward, Secretary of Bermuda, 87, 989, 1014 xi., xii., xiii., xv. (*a*), xvii., xxv. (*b*), xxxvi., lviii., lxvii.
......., ..., petition of, 1282, 1282 i.–ii.
......., Evan, documents signed by, 17 iv., v.
......., Francis, 1117.
......., Griffith, 15 i., 17 i., 1150 iii.
......., Harry, 30 iv.
......., John, 457, 1150 iii.
......., Peter, 1102.
......., Richard, Viscount Ranelagh, Paymaster-General, 78, 308, 327, 332, 430, 437, 441, 455, 465, 577, 1126, p. 195.
......., ..., report from, 985.
......., Samuel, document signed by, 618.
......., William, 981 xii., 1042, 1176 vi.
......., ..., document signed by, 450 xix., 1014 lxv.
......., William, junr., 981 xii.
Jonge Jan., ship, 923 vii.
Jordan, —, 1425 viii. (*b*).
Jory, Joseph, Agent for the Leeward Islands, 576, 989.
Jose, Richard, 996 ii.
Joseph, brigantine, 909.
Joux, M. de, 1115.

K

Kanderhoek, 1018.
Karvis, John, 86.
Katherine (negro), 1195.
Katherine, ship, 137.
Kearley, Henry, 433, 739.
Keck, Captain, 737.
Keele, Daniel, documents signed by, 535 xiv., 1014 xxxviii.
Keels (Newfoundland), 1379 i.
Keith, George, 1190.
......., Robert, document signed by, 847.
Kelly, James, 885 iii.
Kempthorn, Thomas, 39 iv.
Kendall, John, 1074.
Kennebec, 673.
Kenebec River, 739, 1094.
Kennedy, David, 1150 ii.
Kennor, Rodham, 1176 vi.
Kent, Charles, 696.
......., ..., document signed by, 618.
......., Hannah, 1044.
Kent County (Pennsylvania), 17 v., 837, 1407 iv.
Kerley, Henry. *See* Kearley.
Kettlewell, Elizabeth, petition of, 572.
......., John, deceased, 572.
Key, John, 1149.
Kidd, Captain (pirate), 768.
Kijkoveral, fort, 646 ix., x.
Kimball, John, 433, 739.
......., ..., petition of, 663.
King, Henry, document signed by, 267.
......., John, 1107.
......., Thomas, 433.
King William, sloop, 791 i., 1137, 1276.
King William County (Va.), 214, 364, 494, 981 xii., 1176 vii., xii.
King and Queen County (Va.), 493, 494, 523, 532, 616, 914, 981 xii., 1176 xii.
King's County (New York), 861.

Kingston (Jamaica), 128, 173, 212, 228, 253, 268, 280, 310 i., 344, 363, 400, 412, 439, 447, 458, 459, 504, 524 iii., vii., 590, 617, 618, 623, 631, 691, 758, 818, 846, 852, 883, 885, 888, 888 iii., 916, 938, 948, 968, 1040, 1048, 1051, 1054, 1069, 1096, 1082 (i.), (ii.), 1083, 1100 ii., 1108, 1119, 1124 i., 1130, 1133, 1135, 1141, 1146, 1147, 1148, 1149, 1149 i., 1192, 1153, 1153 i., 1154, 1155, 1204, 1217, 1220, 1221, 1224 i., 1226, 1233, 1238, 1238 i., 1239 i., 1261, 1288, 1295, 1306, 1314, 1315, 1322, 1326, 1327, 1327 xvi., 1347 i., 1354, 1360, 1401, 1424 i.
......, Justices and Vestry of, petition of, 1154.
Kingston (New York), 100.
Kingston, H.M. ship, 124, 270.
Kinnoul, Earl of. *See* Hay, William.
Kinsale, H.M. ship, 209, 457, 988, 1009, 1137, 1320.
Kippax, Peter, document signed by, 981 vi.
Kipps, William, 86.
Kipps Bay, 860.
Kiquotan, 575, 1031, 1150 ii.
Kirby, Richard, 123, 143, 289, 311, 583, 1224 i.
......, ..., letters, &c. from, 123 iv., v., vi.
Kirshaw, Samuel, 1154.
Kirton, Philip, 1063.
......, ..., petition of, 1109, 1121.
Kittery (Maine), 225, 739, 1039.
Kitty Witty (Newfoundland). *See* Quidi Vidi.
Knapp, Captain, 298.
Knight, Charles (Knights), 212, 438, 638, 1104, 1238, 1347 i.
......, ..., petitions, letters, from, 1082 (iii.), 1083 (i.), 1141, 1148.
Knowles, Samuel, 739.
......, Thomas, 885 iii., iv.
Knowlton, Nathaniel, 433, 739.

L

Lakeman, Abraham, documents signed by, 29 iii., iv.
......, William, 1426.
La Marque, François, 899.
Lambert, Thomas, 1249.
Lamego, Aaron, 301.
Lameth, Lovis, 545.
Lancaster (Mass.), 775.
Lancaster County (Va.), 1176 xii.
Lancey, Stephen de. *See* Delaunay.
Lands End, the, 77 i.
Lane, —, 860 (Va.).
......, John, 185 (New Hampshire).
Langdon, Tobias, petition of, 1245.
Langhorne, Jeremiah, 17 i.
Langley, Andrew, 173, 1046.
Lapthorne, George, 418.
......, ..., letter from, 422.
......, J., document signed by, 418.
......, ..., letter from, 422.
Larrale, Captain, 1403.
Larramore, Thomas, 30, 30 iv., 315, 319, 1399.
Lark, brigantine, 56, 86, 135, 148, 227, 328, 456, 572, 805, 880, 826, 827, 844, 927, 1102, 1241, pp. 140, 330, 447.
Larkin, George, H.M. Commissioner, 35, 87, 89, 136, 535, 535 ii.–xi., xiv.–xviii., xx., xxi., 608 vi.
......, ..., Secretary of the Leeward Islands, 628, 630, 650, 687, 704, 744, 991, 1013, 1014, 1014 iii., v., vi., ix., x., xi., xii.–xix., xxi.–xxx., xxxv.–xxxix., li., lii., lix., lxiii., lxv., lxvii., 1158.
......, ..., letters from, 23, 237, 237 i., 391, 392, 395, 398, 468, 503, 503 i., ii., 535 ix., 538, 569, 569 i., 590, 608, 608 vi., 632, 723, 723 i., 930, 957, 989, 1014, 1014 xxv. (*a*), lxvii., 1313.
......, ..., letters, &c. to, 508, iii., 632, 637, 723, 532, 743, 747, 988, 1014 ii.
Lassister, William, 981 xii.
Lassuse, —, 1264 iv.
Latane, Lewis, document signed by, 981 vi.
Lauder, John, 457.
Laurence, William, 100 i.
......, ... documents signed by, 29 iii.
......, ..., junr., petition of, 1249.
Laville, M., 1116 ii., 1191, 1264 iii.
Lawes (Lawe), Nicholas, 212, 343, 499, 967, 1054, 1133, 1153, 1192, 1221, 1226, 1238, 1326.
......, ..., letter from, 1153 i.
Lawrence, —, 673.
......, John, Factor to the Royal West India Company at St. Thomas, 1121.
......, Richard, 981 xii.
......, Sir Thomas, Secretary of Maryland, 847.

Lawrence, Sir Thomas—*cont.*
......., ..., letter from, 1190.
......., ..., petition of, 379.
Lawson, Thomas, document signed by, 450, xvii.
Lawton, Charlewood, 893, 900.
Layton, Thomas, 140.
Lea, Philip, document signed by, 535 xiv.
Leach, William, 30 iv.
Leacroft, George, affidavit of, 1014 xi.
Leake, John, 103, 140, 191, 281 i., 305, 479, 716, 783 i.
Lee, —, 559.
......., Richard, 1053.
......., Robert, petition of, 142, 142 i., 233, 411.
......., William, 15 i.
Leeds, Daniel, 519, 1035, 1079.
LEEWARD ISLANDS, the (*viz.*, Antigua, Montserrat, Nevis, St. Kitts), 163, 1448; *and see* CARIBBEE ISLANDS.
......., Governor of, 163, 237; *and see* Codrington, Christopher; Stapleton, Sir William; Mathews, William.
......., Governor and Council of, letter to, 593.
......., Secretary of. *See* Larkin, George.
......., General Assembly of, 473, 669, 692, 701, 741.
......., agents for. *See* Cary, Richard; Jory, Joseph.
......., ..., letter to, 1372.
......., customs, excise, 536, 566, 593.
......., defences of, stores of war for, 106, 192, 536, 547, 572, 675, 1270, 1278.
......., denization of foreigners, 436, 490, 495, 542, 635.
......., French. *See* FRANCE.
......., Indians, 914; *and see* Indians.
......., Jews in, 692.
......., laws of, 3, 160, 297, 299, 355, 407, 408, 409, 411, 436, 455, 474, 475, 484, 495, 542, 590, 635, 689, 692, 700, 701, 732, 741, 803, 1440.
......., merchants trading to, petition of, 1319; *and see* naval protection (*below*).
......., naval protection, convoys, for, 97, 737, 926, 1009, 1315, 1319, 1368, 1372, 1384, 1389, 1389 i., ii.
......., negroes, 692.
......., papists, settlement of, in, 455, 741; *and see* Mackenin.
......., trade of, 97, 692, 950, 1009.
Legg, John, 30 v.
Legg—*cont.*
......., Samuel, 433, 739, 760, 1302.
Legge, William, Baron Dartmouth, a member of the Council of Trade and Plantations, 1129.
......., ..., documents signed by, 6, 8, 11, 20, 32, 77 i., 172, 188, 215, 218, 251, 292, 305, 339, 342, 342 i., 416, 426, 434, 446, 471, 473, 474, 479, 495, 527, 533, 536, 562, 565, 578 i., 580, 628, 681, 687, 688, 741, 742, 744, 750, 758, 789, 838, 839, 840, 642, 845, 889, 890, 891, 892, 937, 964, 965, 1000, 1179, 1189, 1202, 1204, 1208, 1213, 1214, 1260, 1281, 1299, 1304, 1305, 1306, 1389 ii., 1390, 1405.
Leigh, William, 494.
Leisler, Jacob, 100, 1405.
Leland, Sarah, 86.
......., William, 86.
Leogane (Hispaniola), 87 iii., 123, 195.
Leonard, —, 519, 1079.
Leslie, John, 769, 1063, 1223 iii. (*b*), 1244.
Leu, Philip, document signed by, 1014 xxxviii.
Leverett, John, 1403.
Levesay, Colonel, 208.
Levitt, James, 85, 996 v.
......., (Levett), Sir Richard, 53, 73.
......., ..., memorial of, 773.
Lewall, Samuel, 739.
Lewis, Evan, 1115.
......., John, 127, 184, 190, 1103, 1164, 1228.
......., ..., petition of, 301.
......., John, 572 (Barbados).
......., Odoardo, 190, 1097, 1218.
......., William, 253.
Lewis, Port, 1150 iv.
Lewis Town, 1150, 1407 i., p. 902.
Light, Roger, petition of, 522.
Lightfoot, John, 1115, 1186.
Lightwood, Ellis, 80, 1223.
Ligon, Richard, 914, 1186.
Liguanée (Jamaica), 617, 888 iii., 1327, 1327 xvi., xviii., 1424 i.
Lillington, George, 1195, 1343.
Lilly, Christian, engineer, 212, 344, 885, 1119, 1153 i., 1221, 1238, 1312.
......., ..., letters, reports from, 128, 271, 310, 498, 631, 727 ii., 1108, 1295, 1314, 1354.
......., ..., letters to, 455, 490, 498.
Ling, Matthew, 100 i., 237.
......., ..., document signed by, 42 ii.
Lippincott, Kestore, 1249.

Lipscombe, William, 981 xii.
Lisbon, 72, 276, 318, 342 i., 389, 390, 403, 1088, 1315, p. 85, 616.
Little Compton (Mass.), 433.
Liverpool, 23, 55 i., 72 i.
Livesay, John, 208, 1149 i.
......, ..., document signed by, 1100.
Livingstone, Robert, document signed by, 325.
......, ..., letter from, 899, 930, 1018, 1022, 1395.
Lloyd, David, 17 i., 18 i., 24 i., 256.
......, Edward, 434 i.
.... Thomas, letters, &c., from, 1116, 1116 i., ii., 1191 i., 1192, 1254, 1264 i.-viii.
Locke, John, late member of the Council of Trade and Plantations, 232.
Lockerman, Abraham, document signed by, 748.
......, Jacob, junr., 1031.
Lodwick, Charles, 134, 209, 336.
......, ..., letter to, 1372.
Loftes, Thomas, petition of, 880.
Logan, James, Secretary of Pennsylvania, 17 i., ii., 950.
......, ..., letter from, 1407, 1407 iii.
London, 23, 209, 248, 460, 592, 792, 834, 836, 849, 950, 1332, 1428.
......, Bishop of. *See* Compton, Henry.
......, merchants of, petition of, 38 ii., iii., 45, 45 i., ii., 71, 72; *and see* VIRGINIA (naval protection); TRADE, Council of (representations).
Long, Charles, 173, 785, 865, 883, 919, 998, 1024, 1048, 1326, 1326 i.
......, ..., document signed by, 1046.
......, George, 672, 696, 715.
......, ..., affidavit of, 696.
......, George, junr., 698.
Long Island, 142 i., 416, 695, 860, 861, 1400.
Lookerman, Jacob. *See* Lockerman.
Lopez, Andrew, petition of, 384.
Lord High Treasurer, the, 28; *and see* Godolphin.
......, letter to, 3; and *see* TREASURY.
Lords, House of, address from, 1401.
......, ..., order of, 1290, 1295.
......, ... report to, 1334, 1342, 1360, 1372, 1390, 1391.
.... Clerk of. *See* Johnson.
LORDS JUSTICES of England, letters, instructions, from:—
[1698], 103, 191, 654.
[1699], 996 ii.
Lords Justices of England—*cont.*
......, Order in Council:—
[1699], 215.
......, petition to [1697], Barbados, Richardson; Thornburgh, 215; *and see* Colleton, Sir John.
Loring, John, 1171.
Lothrop, Barnabas, 1323.
......, ..., document signed by, 1420 vii.
Lough, William, deceased, 914.
Love, John, document signed by, 267.
Lovell, Samuel, 901.
......, ..., document signed by, 1100.
Low, John, petition of, 492.
Lowe, Colonel, 459, 469, 499.
Lowman, S., p. 900.
Lowndes, William, Secretary to the Treasury, 1141.
......, ..., letters from, 279, 281, 686, 1236, 1240, 1367, 1372, 1378, 1391, 1392.
......, ..., letters to, 23, 28, 305, 306, 422, 423, 747, 751, 911, 915, 1146, 1170, 1178, 1233, 1235, 1378 i., 1384, 1391, 1392, 1397; *and see* CUSTOMS.
Lowther, George, 18 i., *p.* 901.
......, James, an Officer of Ordnance, documents signed by, 622, 1262, 1347, 1354.
Loyalty, brigantine, p. 616.
Lucas, Robert, Lord Lucas of Shenfield, 288.
Ludwell, Philip, 103, 1115.
Luke, —, 1150 ii.
Lund, Thomas, 545.
......, ..., document signed by, 450 xviii.
Lundy Island, 899.
Lunn, Arthur, 981 xii.
Lurting, Robert, document signed by, 325.
Lushington, —, 1327 xii.
Lyddal, John, deceased, 1115.
Lyell, Captain, 737.
......, Thomas, document signed by, 1071.
Lyme, 23, 55 i.
Lynch, Sir Thomas, late Governor of Jamaica, 384.
Lynde, Benjamin, 739.
......., Joseph, 739.
Lyne, Edward, letter to, 1424.
Lynes, John, 115.
Lynhaven Bay (Va.), 982 iii.
Lynn (Mass.), 433, 739.
Lynton, Moses, document signed by, 450 xviii.
Lyte, Edward, 1109.
......, Paul, 1063.

M

Macarty, Andrew, 30 iv.
......, Charles, deposition of, 338, 444.
......, James, 30 iv.
......, Thaddeus, 380.
Macconess, 413.
Machet, Peter, 1327 iii.
Mackenin, Daniel, 635.
......, ..., petition of, 455, 461, 461 i.
Madeira, 164, 1128.
...... (wine), 5, 184, 496, 524, 880, 1100 i.
Madeira, ship, 5, 57, 124 i., 456.
Madrid, 124 i.
Maherine River, 836.
Maidstone, H.M. ship, 737, 1137.
MAINE, 433, 611, 969, 996, 1067, 1094, 1425 (*f*).
Mainwaring, A., a Commissioner of Customs, document signed by, 1412 i.
......, Thomas, 457.
Major, Anthony, document signed by, 618.
......, Francis, 981 xii.
......, John, document signed by, 450 xix.
Malden (Mass.), 433, 739.
Malebranche, Père, 232.
Mallagain, William, 1014.
Manamoit (Mass.), 760, 1232, 1242.
Manerly, Gabriel, 393.
Mannikin Town, 493, 532, 836, 1115, 1186.
Mansbridge, sloop, 791 i., 1041, 1276.
Manston, Ephraim, 1234.
Mapp, Thomas, junr., 457.
Marable, George. *See* Marrable.
Marblehead (Mass.), 433, 543, 613, 739, 898.
March, John, 93, 529, 652, 795, 1039, 1052, 1144, 1284, 1385.
......, ..., letter from, 380, 652, 694.
Marchand, —, 301.
Margery, Martin, 30 iv.
Marion, Samuel, 1385.
Markham, William, 869, 1186.
Marlborough, Duke of. *See* Churchill.
Marlborough (Mass.), 380, 433, 739, 969, 1266.
Marrable, George, 494.
Marshall, Thomas, 1195.
Marshfield (Mass.), 433, 739.
Marston, Benjamin, 1237.
Martha's Vineyard, 760, 939.
Marten, Walter (Martin), 1151, 1407 iii.
......, ..., deposition of, 368 iii.
Martin, —, 715.
......, John, 30 iv., 135.
......, Richard, 1226.
......, ..., deposition of, 670.
......, Samuel, 737, 1223, 1329, 1330.
......, Walter. *See* Marten.
Martin Brandon, parish, 127.
Martingale, Isaac, document signed by, 401 vi.
MARTINIQUE, 34, 36, 40, 87 iii., 125, 148, 192, 193, 200, 209, 298, 301, 362, 547, 737, 738, 805, 849, 926, 950, 959, 986, 1011, 1014 lv., lvii., 1072 i., 1088, 1119, 1138, 1158, 1222, 1223, 1265, 1270, 1316, 1326, 1327 xv., 1378, 1370 i., 1387, 1389 ii., 1391, pp. 63, 99, 617.
......, Intendant of. *See* Robert, M.
Mary, fort (Saco), 269, 517, 779, 920, 1037, 1413.
Mary Gallant, Island of, 737, 1026 i.
MARYLAND, 455, 462, 861, 1150.
......, Governor of. *See* Seymour, John; Blakiston, Nathaniel; Nicholson, Francis; Andros, Sir Edmund; Effingham, Lord Howard of.
......, ..., salary of, 536; *and see* AMERICAN COLONIES.
......, ..., letters, instructions, to, 158, 158 i.; *and see* Seymour.
......, Governor and Council, letter to, 599.
......, Governor in Council, appeals to, 434 i.
......, President and Council, 147, 492, 658, 847, 1190.
......, ..., letters, instructions, from, 364, 492, 575, 847.
......, ..., ... to, 158, 158 i., 159, 160, 233, 245, 847, 675, 681, 1031, 1061.
......, Secretary of. *See* Lawrence, Sir Thomas.
......, Council of, letters to, 103, 590.
......, ..., minutes of, 260, 379, 575, 658, 663, 828, 847, 1031, 1061, 1118.
......, Councillors, 160, 434 i.
......, Act for Religion, 23, 75, 141, 147, 169, 183, 245, 201, 202, 204, 550, 847, 1190.
......, boundaries, 7, 279, 490, 532, 588, 681.
......, currency in, 892; *and see* AMERICAN COLONIES.

Maryland—*cont.*
......, customs, excise, 599.
......, defences of, stores of war for, 570, 675, 722, 1118, 1150.
......, ..., quota of assistance to New York, 722, 860; *and see* New York.
......, impressment of seamen, 379, 575.
......, Indians, 658; *and see* Indians.
......, lands in, 490.
......, laws of, 110, 155, 160, 233, 245, 279, 490, 536, 599, 681, 747, 756, 756 i., 825, 843, 934, 1441; *and see* Act for Religion (*above*).
......, ..., [1692], 843.
......, ..., [1695], 589.
......, ..., [1699], 588, 850, 851, 854, 934.
......, merchants trading to, petition of, 38, 38 i., ii., iii., 45, 45 i., ii., 55, 55 i., 71, 72, 72 i., 73, 77, 77 i., 97, 763, 763 i., 777, 790 i.; *and see* Virginia (merchants); naval protection (*below*).
......, naval protection, convoys, for, 38 i., ii., iii., 45 i., ii., 53, 55 i., 71, 72, 72 i., 73, 77, 77 i., 97, 103, 126, 133, 134, 138, 147, 158, 158 i., 159, 160, 171, 244, 245, 450 i., 763, 763 i., 777, 778, 790 i., 794, 914, 981, 1150, 1176, 1293, 1294, 1295, 1389, 1389 i., ii.
......, negroes, 658.
......, pirates, 171, 1150; *and see* Pirates.
......, Quakers, 141, 847, 1190.
......, revenue of, 16, 77 i., 599, 1150.
......, Thanksgiving, day of, 575.
......, trade of, 16, 38, 45 i., ii., 1150 ii.
......, ..., Acts of, 435; *and see* Trade and Navigation.
......, ..., illegal, 847.
......, ..., imports, tobacco (account of), 1352, 1360, 1366.
Mason, Arthur, 320, 380, 694.
......, George, document signed by, 450 xviii.
......, G., document signed by, 450 xviii.
......, ..., letter to, 1288 i.
......, Henry, documents signed by, 267, 618.
......, John, 199 i., 265, 501, 649 i., 717, 1249.
......, John Tufton, 501.
......, Rebecca, 981 xii.
......, Robert, 66 i., 501.
Mason—*cont.*
......, Simon, letter from, 1288 i.
......, Stephen, 1083.
......, ..., letters, memorials, &c. from, 1147 i., 1221, 1238, 1240, 1250, 1257, 1331, 1331 i., 1369, 1401.
Massachusetts Bay, 401 iv., 954.
......, Governor of. *See* Dudley, Joseph; Andros, Sir Edmund; Coote, Richard.
......, ..., letters to, 529; *and see* Dudley, Joseph.
......, ..., salary of, 536; *and see* American Colonies.
......, Lieut.-Governor of. *See* Povey, Thomas.
......, Governor and Council of, letter to, 597.
......, Secretary of. *See* Addington, Isaac.
......, Vice-Admiralty in. *See* Courts.
......, Assembly of, 31 iii., 543.
......, ..., minutes of, 1420 viii.-xvi.
......, ..., letter to, 31 iii., 536.
......, Council of, letter to, 536.
......, ..., minutes of, 13, 92, 198, 269, 302, 320, 380, 413, 432, 477, 488, 517, 529, 530, 548, 584, 613, 625, 652, 694, 717, 759, 779, 798, 800, 902, 920, 939, 956, 978, 999, 1008, 1025, 1034, 1037, 1039, 1044, 1052, 1062, 1073, 1081, 1087, 1144, 1171, 1231, 1237, 1302, 1323, 1349, 1385, 1403, 1413, 1420 viii.-xvi., 1426.
......, Councillors, 739, 760, 775, 801, 898.
......, Council in Assembly, minutes of, 31 iii., 433, 448, 460, 478, 500, 518, 739, 760, 768, 775, 795, 801, 863, 871, 875, 898, 908, 921, 929, 940, 954, 969, 1067, 1075, 1076, 1201, 207, 1221, 1232, 1242, 1259, 1266, 1274, 1284, 1296, 1317, 1335, 1344.
......, agent for. *See* Chiampanti, John; Phips, Constantine.
......, boundaries (with Connecticut), 13, 929.
......, college in. *See* Harvard College.
......, currency in, 654, 656, 765, 765 i., 766, 772, 773, 1299.
......, customs, excise, 30, 31 iii., 908, p. 249.
......, defences of, stores of war for, 13, 30, 31 ii., 265, 269, 302, 315, 380, 413, 433, 460, 477, 500, 518, 529, 543, 570, 611, 613, 673, 675, 687, 687 i.,

Massachusetts Bay, defences of, stores of war for—*cont.*
759, 760, 779, 801, 813, 813 i., 908, 922, 965, 978, 1025, 1039, 1073, 1201, 1266, 1296, 1398, 1422, 1422 i.; *and see* Casco Bay; Castle Island.
......, ..., quota of assistance to New York. *See* New York (defences).
......, ..., state of defences, 611.
......, engineer in. *See* Romer, W.
......, General Fast ordered in, 31 iv., 269, 1075.
......, Indians, 13, 30, 31 ii., 93, 302, 315, 413, 433, 460, 500, 529, 543, 548, 584, 611, 625, 652, 673, 694, 739, 760, 768, 775, 779, 795, 801, 863, 898, 902, 908, 920, 929, 956, 969, 1025, 1034, 1052, 1062, 1067, 1073, 1075, 1076, 1087, 1094, 1094 ii., 1144, 1242, 1317, 1323, 1344, 1385, 1398, 1403, 1413, 1425 ii.; *and see* Indians.
......, laws of, 30, 31 iii., vi., vii., viii., 111, 315, 460, 500, 518, 768, 921, 954, 1076, 1296, 1299, 1344, 1442.
......, ..., [1697], 654, 656, 765, 765 i., 766.
......, militia in, 30 v., 315, 413, 673, 999, 1025, 1385, 1413.
......, naval protection, convoys, for, 30, 269, 315, 432, 611, 641, 646, 673, 965, 1398.
......, negroes, 775, 929, 954, 1039.
......, pirates, 1398; *and see* Pirates.
......, Post-Office in, 775; *and see* Boston.
......, ..., revenue of, 30, 697.
......, state of defences of, 611.
......, Thanksgiving, day of, ordered in, 31 v., 500, 1296.
......, timber in, 543.
......, trade of, 611.
......, ..., Acts of, enforcement of, 30, 611; *and see* Trade and Navigation.
......, ..., illegal, 315, 611.
......, ..., troops quartered in, 413, 625, 779, 902, 1081, 1144, 1171, 1323, 1344, 1399, 1413, 1426.
......, vessel seized in, 269.
Mastertown, Robert, 214.
Masters, Richard, document signed by, 1086.
......, Thomas, 15 i., 1407 iii.
Match Coats (Va.), 523.
Mather, Cotton, 448.
......, Increase, 13.
Mathews, William. *See* Matthews.
Matron Wright's Plantation, 523.
Matthews, Baldwin, 515.
......, Peter, 96, 134, 279, 286, 287, 290, 299, 326, 336, 411, 422, 430, 437, 455, 513, 563, 740, 861, p. 195.
......, ..., letters, &c., from, 131, 429, 441, 442.
......, Thomas, document signed by, 1071.
...... (Mathews), William, Governor of the Leeward Islands, 1421.
Maurice, Colonel. *See* Morris.
May, William, 616.
Maycock, Thomas, 769, 826, 1063, 1064, 1091, 1223 iii. (*b*).
Mayes, Henry, 981 xii.
Mayles, Jacob, 1014 lviii.
Maynard, Samuel, 1063, 1244.
Maynwaring, A. *See* Mainwaring.
Mayo, Samuel, 428, 439.
Maxwell, James, 949.
......, Thomas, 83, 675, 682, 688, 708, 742, 994, 1063, 1161, 1223, 1327 xii.
......, ..., petition of, 1109.
......, Thomas, junr., petition of, 1121.
Mead, —, 1412 i.
Mead(s), Captain, 737.
Meadows, Sir Philip, a member of the Council of Trade and Plantations, 1129.
......, ..., documents signed by, 6, 8, 11, 20, 32, 37, 61, 70, 77 i., 100, 172, 178, 188, 201, 205, 215, 218, 235, 238, 239, 241, 244, 245, 249, 250, 252, 292, 305, 337, 339, 342, 342 i., 347, 353, 354, 355, 356, 358, 372, 373, 374, 398, 404, 407, 410, 415, 416, 426, 434, 446, 471, 473, 474, 479, 495, 496, 506, 507, 508, 511, 527, 533, 536, 555, 562, 565, 578 i., 580, 611, 612, 621, 623, 627, 628, 629, 630, 631, 633, 634, 635, 636, 665, 666, 681, 687, 688, 690, 691, 692, 718, 719, 720, 721, 722, 724, 731, 741, 742, 744, 750, 758, 782, 789, 790 i., 829, 838, 839, 840, 842, 845, 889, 890, 891, 892, 903, 903 i., 922, 937, 958, 959, 960, 966, 999, 1000, 1001, 1005, 1149, 1149 i., 1160, 1166, 1174, 1178, 1179, 1189, 1191, 1202, 1204, 1208, 1213, 1214, 1243, 1260, 1281, 1287, 1299, 1301, 1305, 1306, 1313, 1314, 1383, 1389 ii., 1390, 1405.
Meakins, Robert, 173, 190, 901, 1196.
Mears, —, 136.
Medfield (Mass.), 433, 739, 775.

Medina. Moses de, petition of, 384.
Mein, Patrick, 86, 994, 1384.
......, ..., document signed by, 1370 I.
......, ..., Surveyor-General of Customs in Southern America, 1391, 1392.
......, ..., letter from, 1391.
Meinzey, Adam, 30 IV.
Mendon (Mass.), 433, 478, 739, 1073.
Menville, —, 24 I.
Metcalfe, John, document signed by, 267.
Mercer, Thomas, document signed by, 1086.
Mercier (Mercer), John, 563.
......, ..., letter from, 582.
Merrett, Solomon, 318, 545, 556, 1315.
......, ..., documents signed by, 316, 1332.
......, ..., memorials, letters from, 370, 378, 387, 391, 1379, 1379 I., 1381.
......, ..., letters to, 371, 1360.
Merrick, —, 209.
......, John, 86.
......, Thomas, 1122, 1300.
......, ..., petition of, 572.
......, William, 1232.
Merrimac, 969.
Merrimac River, 1323.
Merriwether, Francis. *See* Merryweather.
Merryweather, —, 214.
......, Francis, 480, 514.
......, Michael, document signed by, 981 VII.
......, Thomas, 480, 514, 1053.
Mexico, 22, 87 III.
Mico, Richard, document signed by, 267.
Middelburgh, 646 V., VII.
Middle Ground (Jamaica), 1133.
Middlesex County (Mass.), 30 V., 302, 432, 433, 523, 584, 694, 739, 969, 1025, 1403, 1413, 1420 I.
...... (Va.), 494, 981 XII., 1176 VII., XII.
Middleton, Lewis, 1138.
Miers, John, 1150 IV.
Milborne, Jane, petition, &c., of, 535 XVI., 1014 XII.
Mildmay, —, 1119.
Milford, H.M. ship, 988.
Mill, William, 1121.
......, ..., petition of, 826.
Mill Bridge (Boston), 920.
Mill Creek (Boston), 1037, 1232.
Millington, Sir Thomas, 129.
Mills, Captain, 844.
......, John, 584, 769, 826.
......, Samuel, 885 III., IV.
......, William, 456.
Milne, William, 135.
Milner, Francis, 981 XII.
Milton (Mass.), 433, 769.
Minge, James, petition of, 493, 523.
Minors, Charles, Secretary of Bermuda, 839, 913.
......, ..., affidavit of, 1014 X., 1014 LXIII.
......, ..., letter from, 508 III.
......, ..., letters to, 508 II., 1014 XVII.
Minot, Stephen, 433, 518.
......, ..., petition of, 478.
Minville, Samuel de, petition of, 515.
Mississippi, 861, 1018.
Mitchell, D., a Lord of the Admiralty, documents signed by, 170, 526.
......, ..., letter from, 1322.
......, H., documents signed by, 1071, 1424 I.
......, James, deposition of, 575.
......, Robert, 229.
......, Thomas, 320.
......, ..., documents signed by, 1071.
Modyford, Sir Thomas, late Governor of Jamaica, 25, 363, 764.
Mogridge, Thomas, 572.
Momentaong, Jeremy (Indian), 956.
Mompesson, Roger, 1044, 1170, 1174, 1180; *and see* Mumperson.
Monck, Eliza, 779.
......, Mary, 920.
Monro, John, document signed by, 981 VI.
......, And., document signed by, 981 VI.
Montesse (Mountesse), —, 150, 315.
Montreal, 860, 969, 1078.
MONTSERRAT, 323, 453, 791 I., 1041, 1068, 1276.
......, Governor of. *See* Codrington, Christopher.
......, ..., salary of, 536; *and see* AMERICAN COLONIES (Governors of).
......, Councillors, 239, 473.
......, defences of, stores of war for, 570.
......, laws of, 112, 258, 437, 445, 654, 662, 666, 668, 669, 741, 773, 803, 838.
......, negroes, 666.
Moody, James, 127, 140, 174, 191, 214, 364, 450 XX., 735, 814, 876, 877, 879, 964.
......, ..., letters from, 103, 364.
......, ..., letters, instructions, to, 103, 364.
......, John, letter from, 799, 799 I., 803.
......, Samuel, 652, 920.
......, William, 808.

Moor, —. *See* Mildmay.
Moore, Captain, 1118, 1150, 1190.
......, James, Governor of Carolina, 303.
......, ..., letters from, 27 i., 438, 1098.
......, John, 16, 18 i., 237, 299, 324, 841, 1150, pp. 896, 899, 900.
......, ..., document signed by, 858.
......, ..., letters from, 15, 381, 1045, 1150 iii., 1372, 1383, 1383 i.
......, ..., brother of above, 324, 381, 841.
......, Josiah, 1061.
......, ..., letter from, 1061, p. 662.
Morant, Port, 1428.
Mordaunt, Charles, Earl of Peterborough, late Governor of Jamaica, 3, 4, 86, 122, 125, 148, 200, 274, 328, 356, 362, 538, 737, 842, p. 140.
......, ..., letters, &c., from, 129.
......, ..., ... to, 11, 851.
......, ..., (Commander in Chief at Jamaica), 274, 356.
......, ..., memorial from, 273.
Moroton, Emmanuel, 27 i., 447, 496, 1326.
Morgan, Thomas, 737, 1109.
Morley, George, a Commissioner of Prizes, document signed by, 1320.
Morrels, Isaac, 433.
Morris, Anthony, 15 i., 17 i.
......, John, 1014 v.
......, ..., documents signed by, 1014 liii., 1086.
......, Lewis, 24 i., 74, 519, 1035, 1079, 1400.
......, ..., letter from, 23.
......, Richard, 494, 1053.
......, Robert, 1063.
......, Stephen, 1091.
......, Thomas, 1026, 1029.
......, ..., petition of, 1026 i.
Morse, Samuel, petition of, 929.
Morton, —. *See* Moreton.
Moseley, Edward, 494.
......, ..., document signed by, 450 xvii.
......, Edward, junr., document signed by, 450 xvii.
......, John, 809.
......, ..., document signed by, 450 xvii.
Moses, Colonel, 737.
Mosey, —, 1327 xii.
Mosquito Point (Jamaica), 617, 618, 1082 (iii). 1315, 1322.
Moss, James, 494.
Moxis (Indian), 694, 739, 898, 996, 1025.
Moxou, —, 448.
Mount, —, 996 v.
Mount Desart, 529, 898.
Mount Hope Neck (Bristol), 929, 940.
Mountesse, —, 150; *and see* Montesse.
Mountford, Thomas, petition of, 532.
Mounts Bay, 1137, 1276.
Muedy River (Mass.), 31 viii.
Muddiford, Sir Thomas. *See* Modyford.
Mumby, Valentine, 173, 938, 983.
Mumperson(s), Roger, 950; *and see* Mompesson.
Mulder, —, p. 16.
Mundy, Joseph, documents signed by, 29 iii., iv.
Munier, Paul, 529, 530, 548, 652, 1171.
Murdah, John, 981 xii.
Muschamp, George, petition of, 847, 1118.
Musgrave, C., a Commissioner of Ordnance, documents signed by, 176, 622, 1262, 1347, 1354.

N

Nanfan, John, late Lieut.-Governor of New York, 41, 43, 44, 62, 75, 100, 250, 325, 331, 422, 437, 441, 442, 443, 444, 454, 464, 464 i., 465, 466, 489, 528, 533, 554, 861, 966, 1000, 1078, 1084, pp. 195, 201.
......, ..., letters from, 50, 53, 96, 134, 740, 740 i., 930, 985, 985 i., 1132, 1132 i.
......, ..., memorial concerning, 383, 411, 534, 989.
......, ..., petition of, 295, 296, 299, 324, 336.
Nanney (Mulatto), 535 xi., 1014 xix.
......, deposition of, 535 xii., 1014 xx.
Nansemond County (Va.), 493, 494, 492, 532, 836, 981 xii., 1176 xii.
Nanticoke, 658.
Nantuckett Island, 30 v., 433, 739.
Napier, Robert, 364, 1115.
......, Mrs., petition of, 1115.
Narrows, the, 695, 835, 861, 905.
Naskeag, 529, 548, 652.
NASSAU (Bahamas), 79.

Nassau Island. *See* Long Island.
Natick, 1385 ; *and see* Indians.
Naval Officers, 16, 103, 140, 191, 206, 256 I., 300, 364, 450 XX., 492, 557, 575, 592, 914, 916, 981, 993, 1031, 1053, 1150 II., 1153, 1223 VI., 1364 ; *and see* Sheafe, Sampson ; Cary, Miles ; Armstrong, Robert ; Lee, Richard ; Plater, George.
Naval Stores, 14, 14 I., II., 29, 53, 59, 84, 96, 124, 134, 147, 153, 183, 193, 203, 204, 206, 225, 233, 276, 277, 300, 304, 306, 335, 335 I., II., 336, 378, 391, 404, 404 I., 405, 406, 411, 455, 502, 533, 537, 541, 543, 545, 570, 579, 581, 590, 627, 662, 672, 696, 822, 972, 992, 1020, 1094, 1095, 1111, 1198, 1201, 1219, 1226, 1240, 1246, 1247, 1248, 1250, 1260, 1265, 1269, 1283, 1331, 1331 I., 1396, 1398.
......, subscribers for producing, letter from, 824 ; *and see* Mason, Stephen ; Oursel, Nicholas; Dudley, Sir Mathew; Wharton, William ; Bridger, J. ; Haynes, Richard.
NAVY, the Royal. *See* H.M. ships :—
  Adventure.
  Advice.
  Anglesey.
  Benjamin, store-ship.
  Blackwall.
  Boyne.
  Bredah.
  Bristol.
  Burford.
  Canterbury.
  Carcass, bomb.
  Centurion.
  Chichester.
  Colchester.
  Coventry.
  Cumberland.
  Cresswell, tender.
  Defiance.
  Dreadnought.
  Dunkirk.
  Eagle, advice-boat.
  Earl, fire-ship.
  Edgar.
  Elizabeth, sloop.
  Essex, prize.
  Experiment.
  Falmouth.
  Gloucester.
  Gosport.
  Greenwich.
  Guernsey.
  Hermon, fire-ship.
  Jersey.
  Kinsale.
  Kingston.
Navy, the Royal : Ships—*cont.*
  Maidstone.
  Milford.
  Norwich.
  Oxford.
  Pendennis.
  Recovery.
  Resolution.
  Ruby.
  Rye.
  St. Antonio, sloop.
  Seaflower.
  Seahorse.
  Serpent, bomb-ketch.
  Southampton.
  Strombolo, fire-ship.
  Sunderland.
  Trial, sloop.
  Windsor.
  Yarmouth.
  York.
Navy Board, letter from, 676, 1095, 1185, 1289.
......, ..., letter to, 1095.
......, impressment of seamen. *See* JAMAICA ; MARYLAND ; NEWFOUNDLAND.
......, prizes, commissioners of, letter from, 1291, 1291 I. ; *and see* Prizes.
......, stores. *See* Naval Stores.
Nazeran, Elias, 363, 412.
Neal, Christopher, 494, 516.
...., petition of, 482.
Nedham, Robert, 173, 667, 785, 806, 1143, 1152, 1217.
......, ..., document signed by, 1086.
......, William, 173, 938, 1218, 1258.
......, ..., document signed by, 1086.
Nedin, Isaac [? Jacques], 1124 VI.
......, ..., letter to, 1124 IV.
Needles, the, 323, 791 I.
Negroes, 5, 22, 29, 87 III., 127, 215, 228, 253, 328, 421, 422, 473, 521, 523, 658, 665, 666, 692, 775, 792, 804, 880, 909, 923 IV., 929, 954, 981 XIII., XIV., 983, 1014 LXVII., 1039, 1059, 1091, 1097, 1102, 1107, 1110, 1113, 1119, 1124 II., III., 1138, 1167, 1173, 1195, 1224 I., 1265, 1270, 1370 I.
......, acts concerning, 5, 29, 148, 692, 954, 970, 1091, 1110.
Negus, —, letter from, 570.
Nelson, Gilbert, 89, 538, 1014 LVI., LVII., 1158.
......, ..., deposition of, 1014 XLIII., XLV., 1158 VI.
......, John, 13.
......, Richard, deposition of, 1158 IX.

Nelson—*cont.*
......, Richard, junr., deposition of, 1158 XI.
Neptune, ship, 1291, 1291 I., 1320, 1342, 1401, 1406, 1423, 1423 II.
Nesbit, Lieutenant, 737.
Nestagione. *See* Cunestagione.
NEVIS, 10, 87, 323, 436, 453, 561, 737, 791 I., 792, 1041, 1068, 1276.
......, Governor of. *See* Codrington, Christopher.
......, ..., salary of, 536; *and see* AMERICAN COLONIES (Governors of).
......, President of, 737.
......, General Assembly of, 461 I., 741, 786, 838; *and see* LEEWARD ISLANDS.
......, Agent for. *See* Jory.
......, defences of, stores of war for, 570.
......, lands in, title to, 1005; *and see* Northey, Sir Edward.
......, laws of, 297, 299, 461 I., 786, 794, 946, 946 I., 989, 1005, 1006, 1027, 1028, 1077, 1443.
......, naval protection for, 849.
......, negroes, 792.
......, Papists, settlement of, in. *See* LEEWARD ISLANDS.
......, troops quartered in, 192, 280.
Newbury (Mass.), 413, 433, 652, 739, 921.
Newbury (New Hampshire), 269.
Newbury County (Mass.), 1420 V.
Newcastle (Delaware), 16, 18 I., 168, 1111, 1200, 1234, 1407 IV. 1425 I.
Newcastle (New Hampshire), 611, 698, 712.
Newcastle County, 17 V., 837.
NEW ENGLAND, 192, 501, 694, 849, 860, 1448.
......, Governor of, 804; *and see* Dudley, Joseph; Coote, Richard.
......, Government of, account of the present state of, 1425 II.
......, Agent for. *See* Bridger, John.
......, currency in. *See* MASSACHUSETTS.
......, defences of, state of, 611.
......, Indians, 860; *and see* Indians.
......, merchants trading to, memorial from, 1360, 1369; *and see* naval protection (*below*).
......, naval protection, convoys, for, 124, 157, 872, 1208 I., 1389, 1389 I., II.
New England—*cont.*
......, naval stores, 53, 59, 96, 124, 131, 147, 153, 165, 183, 233, 258, 261, 267, 306, 336, 378, 404, 502.
......, ..., undertakers for raising, memorial from, 84, 160, 203, 301; *and see* Wharton, William; Dudley, Sir Matthew.
......, timber in, 455; *and see* naval stores (*above*).
......, trade of, 783 I., 849.
......, ..., illegal, 783 I.; *and see* TRADE AND NAVIGATION.
NEWFOUNDLAND, 103, 127, 170, 191, 233, 545, 556, 567, 576, 673, 715, 766, 773, 799, 808, 867, 1224 I., 1328, 1376, 1448.
......, Agent for the Company at. *See* Thurston, John.
......, Carbonier, inhabitants of, petition from, 1, 324, 782; *and see* merchants (*below*).
......, defences of, stores of war for, 1, 105, 156, 316, 318, 342 I., 348, 361, 370, 371, 387, 479, 485, 490, 526, 552, 556, 560, 562, 562 I., 607 I.-IV., 609, 626, 636, 676, 676 I., 683, 689, 690, 713, 751, 752, 782, 783 I., 794, 872, 1116, 1131, 1332, 1334, 1338, 1342, 1381, 1381 I.; *and see* TRADE, Council of (reports from).
......, engineer in, 342 I.; *and see* Richards, Michael.
......, fishery of, 156, 170, 233, 312, 316, 342 I., 348, 350, 361, 369, 387, 442, 442 I., 479, 485, 526, 552, 582, 783, 783 I., 794, 1264, 1315, 1332, 1338, 1362, 1379, 1379 I., 1381, 1381 I.; *and see* merchants (*below*).
......, French in. *See* FRANCE.
......, impressment of seamen, 403.
......, merchants of, memorial from 156, 156 I., 316, 318, 336, 342, 342 I., 348, 350, 361, 369, 382, 387, 391, 403, 1332, 1334, 1342, 1381, 1389, 1389 I., II.; *and see* defences (*above*).
......, naval protection, convoys, for, 312, 316, 318, 342 I., 348, 350, 361, 361 I., 369, 382, 382 I., 387, 389, 390, 403, 442, 442 I., 479, 485, 552, 562, 607 III., IV., 659, 660, 706, 715, 782, 783, 783 I., 867, 872, 1315, 1339, 1389 I., II.
......, trade of, 16, 156, 233, 306, 312, 315, 783, 783 I., 794, 1332, 1338, 1362, 1381, 1381 I.; *and see* merchants (*above*).

Newfoundland—*cont.*
......, troops quartered in, 49, 53, 60, 60 I., 64, 75, 156, 192, 233, 281 I., II., 299, 305, 467, 475, 479, 485, 513, 577, 590, 607 I., 626, 710, 734, 734 I., 751, 752, 780, 781, 782, 819, 1116, 1264, 1264 I.-VII., 1342.

NEW HAMPSHIRE, 315, 501.
......, Governor of, letter to, 565; *and see* Dudley, Joseph; Cranfield, Edward.
......, ..., letter to, [1701], 150.
......, ..., salary of, 536; *and see* AMERICAN COLONIES.
......, Governor and Council of, 68, 137, 150, 168, 217, 996, 1245.
......, ..., letter to, 601.
......, Lieut.-Governor of. *See* Partridge, William; Usher, John.
......, Governor, Council and Assembly of, 265, 1234.
......, Secretary of, 31, 137, 167, 235, 261; *and see* Story, Charles; Davis.
......, Vice-Admiralty in. *See* COURTS.
......, Assembly of, 8, 168, 239, 698, 730.
......, Council of, minutes of, 137, 150, 167, 185, 229, 235, 261, 307, 334, 536 A., 414, 996 II., VI., 1094, 1183, 1200, 1234, 1245, 1409, 1420 V., VI., VII.
......, Councillors, 206, 238, 698, 715, 996 II., 1234, 1245.
......, ..., report from, 711.
......, Council and Assembly, minutes of, 574, 1114, 1125, 1246, 1365, 1382.
......, Council in Assembly, minute of, 168, 189, 213, 217, 996 VII., 1070, 1106, 1111, 1425 IV.
......, account of the present state of, 1425 II.
......, Agent for. *See* Vaughan, William; Ashhurst, Sir Henry.
......, ..., letters, &c., from, 265.
......, ..., appeals from, 898.
......, ..., customs, excise, 185, 213, 235.
......, day of thanksgiving ordered in, 536 A., 1365.
......, debts of, 1365, 1382.
......, defences of, stores of war for, 30, 137, 168, 185, 225, 265, 570, 611, 672, 675, 687, 687 I., 813, 813 I., 922, 965, 996 IV., 1044, 1070, 1111, 1114, 1125, 1225, 1234, 1365, 1382, 1398,

New Hampshire, defences of, stores of war for—*cont.*
1422, 1422 I., II., III.-X.; *and see* NEW YORK (defences).
......, state of defences of, 611, 922.
......, Indians, 30, 269, 432, 611, 672, 696, 698, 715, 1409, 1425 II.; *and see* Indians.
......, lands in, 545, 570, 619, 1414; *and see* Northey, Sir Edward; TRADE, Council of (representations from).
......, laws of, 30, 67, 68, 137, 185, 189, 213, 265, 315, 544, 996 VIII., 1029, 1094, 1206, 1214, 1398 II., 854, 911, 930, 942, 942 I., 943, 947, 1006, 1007, 1251, 1444.
......, martial law in, 1365, 1382.
......, militia in, 672, 698, 1200, 1225, 1245, 1365, 1382, 1425 I.
......, naval protection for, 641, 646, 872, 965.
......, naval stores, 225; *and see* Navy, the Royal (stores); Partridge, William.
......, Proprietor of, 501, 1214; *and see* Northey, Sir Edward; Allen.
......, timber, 206, 225, 627, 996, 1094; *and see* naval stores (*above*).
......, trade of, 189.
......, ..., illegal, 206, 276, 300, 307, 309, 315, 697.
......, acts of, enforcement of. *See* TRADE AND NAVIGATION.
......, troops quartered in, 1114, 1200, 1385.
......, vessels seized in. *See* *Success*, sloop; Montesse, ———, *Speedwell*, sloop; *Hopewell*, ship.

Newichewannock, 1025.

NEW JERSEY, 7.
......, Governor of, 1033; *and see* Cornbury, Viscount; Hamilton, Andrew; Basse, Jeremiah; Bowne, Andrew.
......, ..., letter to, 675; *and see* Cornbury.
......, ..., salary of, 536; *and see* AMERICAN COLONIES (Governors of).
......, Governor and Council of, 74, 519, 1079, 1267.
......, ..., letter to, 602.
......, Lieut.-Governor of, 39; *and see* Ingoldsby, Richard.
......, Secretary of. *See* Sonmans, Peter.
......, Assembly, of, journal of, 1249, 1267, 1285, 1297, 1318, 1336, 1350, 1361, 1374, 1386.

New Jersey—*cont.*
......, Council of, 519, 720.
......, ..., minutes of, 1035, 1038, 1049, 1150 i.
......, Councillors, 519, 1035, 1049, 1079.
......, General Assembly of, 519, 720.
......, courts in. *See* COURTS.
......, defences of, stores of war for, 519, 570, 675, 1079.
......, ..., quota of assistance to New York, 720, 966; *and see* NEW YORY (defences).
......, Indians, 1297, 1318, 1374, 1386; *and see* Indians.
......, lands in, 564; *and see* Allen, Samuel; Proprietors (*below*); Indians (*above*).
......, laws of, 1249, 1267, 1297, 1374, 1445.
......, militia in, 24 i., 519, 1033, 1079, 1400.
......, pestilence in, 24 i.
......, proprietors of, 519, 1033, 1079, 1249, 1297, 1400; *and see* Allen, Samuel.
......, Quakers in, 519, 1079; *and see* Quakers.
......, revenue, 1297.
......, thanksgiving, day of, ordered in, 761.
New Kent County (Va.), 494, 981 xii., 1115, 1176 xii.
New London (Connecticut), 432, 673, 1353.
Newman, Henry, 694, 739.
Newnam, Matthew, deposition, &c., of, 535 xxi. (*a*), 1014 xiv., 1142.
Newnham, Samuel, 885 iii.
New Perlican (Newfoundland), 387, 1379 i.
New Plymouth, Colony of, 739, 760, 795, 800, 920, 929.
Newport, T., a Commissioner of Customs, document signed by, 1412 i.
Newport (Rhode Island), 30 i., ii., 674 ii.
Newton, Thomas, 334, 543.
......, ..., letters to, 30 i., 673.
Newtown (Mass.), 433, 739.
NEW YORK, 336, 340 iii.
......, Governor of. *See* Cornbury, Viscount; Coote, Richard; Fletcher, Benjamin; Andros, Sir Edmund.
......, ..., salary of, 536; *and see* AMERICAN COLONIES (Governors of).
......, Governor and Council of, 100 i., 336, 340 iii., 340 v.
......, ..., letter to, 600.
......, Governor, Council and Assembly, address from, 29 iii., 37.
New York—*cont.*
......, Lieut.-Governor of, 39; *and see* Ingoldsby, Richard; Nanfan, John.
......, Lieut.-Governor and Council of, memorial to, 340 v; *and see* Haskett, Elias.
......, Secretary of, 24 i.; *and see* Clarkson, Matthew; Honan, Daniel.
......, Vice-Admiralty in. *See* COURTS.
......, Representatives, House of, 100.
......, ..., address from, 29 iv., 37.
......, ..., journal of, 29 v., 553, 571, 585, 591, 610, 620, 639, 653, 655, 664, 680, 695, 709, 726, 733, 748, 776, 796, 807, 816, 822, 835, 1145, 1156, 1172.
......, Council of, 96, 100, 100 i., 822.
......, ..., minutes of, 147, 340 ii., 340 iv.
......, Councillors, 96, 100, 100 i., 224, 249, 340 v., 422, 426.
......, Council and Assembly of, 29.
......, Agents for. *See* Thrale, John; Matthews, Peter.
......, boundaries, 748.
......, currency in, 861; *and see* AMERICAN COLONIES.
......, customs, excise, 620, 653, 835.
......, debts of, 29, 41, 100, 533.
......, defences of, stores of war for, 29, 41, 42, 42 ii., 249, 285, 286, 379, 528, 533, 554, 570, 571, 620, 622, 622 i., 647, 647 i., 675, 709, 726, 732, 733, 748, 750, 776, 822, 835, 861, 905, 1018, 1190.
......, ..., quota of assistance to, 103, 265, 315, 379, 450, 481, 521, 522, 532, 533, 540, 551, 557, 558, 559, 629, 715, 718, 719, 720, 721, 722, 748, 822, 828, 857, 860, 944, 944 ii., iii., iv., v., 951, 954, 964, 966, 1067, 1150, 1190.
......, ..., state of, 528; *and see* TRADE, Council of (representations).
......, engineer in. *See* Romer, William.
......, French in. *See* FRANCE.
......, Indians, 285, 533, 554, 1018; *and see* Indians.
......, Secretary for Indian affairs. *See* Livingstone, Robert.
......, inhabitants of, address from, [1701], 23, 147.

New York—*cont.*
......, lands in, grants of, 117, 142 I., 629, 1431.
......, laws of, 3, 29, 29 IV., VI., 75, 96, 100, 100 I., 102, 113, 204, 250, 250 I., 313, 411, 422, 425, 471, 483, 533, 545, 554, 556, 568, 568 I., 570, 571, 585, 591, 620, 629, 639, 653, 655, 664, 680, 695, 709, 726, 733, 748, 761, 776, 807, 835, 905, 966, 1446.
......, ..., [1700], 226, 233, 554.
......, merchants trading to, memorial from, 1372, 1388, 1389, 1389 I., II.
......, militia in, 29, 422, 533, 571, 639, 776, 822, 861, 905, 996.
......, naval protection, convoys, for, 29, 157, 171, 654, 673, 822, 950, 1208 I., 1372, 1388.
......, naval stores, 29, 533, 581, 972.
......, negroes, 29.
......, pestilence in, 24 I., 29.
......, pirates, 29 IV.; *and see* Pirates.
......, Post Office in, 422, 425, 568, 570.
......, revenue of, 29, 29 VII., 100, 422, 571, 585, 822.
......, ..., account of, 1394 I.
......, servants, 761.
......, state of the Province of, 528; *and see* Trade and Plantations, Council of.
......, Thanksgiving, day of, ordered in, 761.
......, trade of, 29, 861.
......, ..., illegal, 29 IV.
......, ..., acts of, enforcement of, 160, 172; *and see* TRADE AND NAVIGATION.
......, troops quartered in, 50, 51, 53, 62, 63, 78, 90, 91, 92, 96, 131, 134, 278, 285, 286, 287, 295, 299, 308, 314, 318, 324, 325, 327, 331, 332, 336, 388 I., 422, 424, 429, 430, 431, 437, 441, 442, 443, 454, 464, 464 I., 465, 466, 489, 489 I., 490, 513, 528, 533, 740, 794, 966, 985, 985 I., 1000, 1084, 1126, 1132.
Nicholls, —, 901, 1400.
......, ..., letter from, 979.
......, Harvey, 343, 948.
......, Thomas, 1124 I., 1327 V.
......, ..., document signed by, 1346.
Nicholson, Francis, Governor of Virginia, 38, 559, 663, 761, 828, 860, 981 VII., 1033, 1150, 1150 II., 1190.
Nicholson, Francis—*cont.*
......, ..., letters, &c., from, 53, 58 I., 244, 379, 449, 450, 450 I., 451, 452, 522, 727, 732, 735, 790 I., 944, 944 I.-V., 961, 961 I., 964, 981, 981 I.-XVII., 982, 982 I.-IV., 993, 1053, 1129, 1133, 1136, 1176, 1176 I.-XXI., 1360.
......, ..., addresses, letters, instructions, to, 158, 158 I., 233, 449, 450.
......, ..., ..., [1700], 324, 721.
......, ..., ..., [1702], 450, 521, 522, 550.
......, ..., ..., [1703], 550, 557, 558, 596, 633, 675, 721, 853, 854, 914, 964, 981, 1053, 1155, 1176 VI.
......, ..., late Governor of Maryland, 1150.
Nicholson, ship, 214.
Nicoll, William, documents signed by 29 III., IV., 748.
Nobbs, Benjamin, document signed by, 847.
Noble, —, 663.
Noden, Charles, 1014 LXVII.
......, ..., document signed by, 1380.
Noell, Thomas, document signed by, 325.
Nomoine River (Va.), 559.
Nore, the, 780.
Norfolk County (Va.), 494, 515, 516, 981 XII., 1176 XII.
Norment, John, petition of, 1115.
Norriwague (Noridgwalk), 1198, 1398.
Northampton (Mass.), 433, 500, 739, 775.
Northampton County (Va.), 364, 557, 981 XII., 1176 XII.
Northey, Sir Edward, Attorney-General, 28, 101, 134, 183, 534, 915, 1236.
......, ..., letters, &c., to, 160, 283, 378, 501, 545, 556, 654, 749, 853, 866, 866 I., 868, 868 I., 1007, 1155, 1159, 1175.
......, ..., opinions, reports, &c. from:—
  American Colonies, currency in, 866; *and see* AMERICAN COLONIES.
  ......, laws of, 1155, 1157, 1159, 1175.
  ......, naval stores from. *See* New England (*below*).
  ......, Governors, arrest and prosecution of, 383, 444, 444 I.
  Barbados, laws of, 747, 753, 753 I., 1167, 1173, 1184, 1215, 1216.

Northey, Sir Edward, Barbados—*cont.*
  ......, trial of spies, 259.
  Bermuda, Governor of, 534.
  Jamaica, laws of, 1069, 1096, 1083.
  Leeward Islands, laws of, 297, 299, 436, 455, 474, 490, 495, 635.
  Massachusetts, law of, [1697], 656, 765; *and see* MASSACHUSETTS (currency in).
  Montserrat, laws of, 258, 263, 437, 445, 654.
  Nevis, law of, 786, 794, 946, 946 i., 989, 1005, 1006.
  New England, naval stores, 405; *and see* NEW ENGLAND.
  New Hampshire (Propriety of), 199, 199 i., ii., iii., 204, 501, 564, 580 i.
  ...., lands in, title to, 257, 258, 545.
  .... laws of, 930, 942, 942 i., 1007; *and see* NEW HAMPSHIRE (laws).
  New York (Atwood; Weaver), 160.
  .... Bayard: Hutchins, 418, 490, 506, 513, 554.
  Pennsylvania, laws of, 747, 753, 755.
  Rhode Island, law of, 1342, 1348, 1391, 1415, 1415 i.
  Virginia, laws of, 747, 753, 754.
Northumberland County (Va.), 482, 494, 516, 1176 xii.
Norton, —, 1040 (Jamaica).
......., James, late Lieut.-Governor of St. Kitts, 120.
Nottingham, Benjamin, 494.
......., Earl of. *See* Finch, Daniel.
Norvell, Hugh, 1176 vi.
NORWAY, 1121, 1185.
Norwich, H.M. ship, 124, 270, 1055 ii.
Norwood, —, widow, 379.
Nova Caesaria, 1035, 1249, p. 301; *and see* NEW JERSEY.
NOVA SCOTIA (Acadie), 13, 739, 1131, 1338.
Noyes, Thomas, 30 v.

O

Oakes, Thomas, 433, 739.
Oban, Sieur, 1025.
O'Brien, William, Earl of Inchiquin, late Governor of Jamaica 356 i., 384.
O'Coke, —, document signed by, 459 xvii.
Old Church Yard (Barbados), 1241.
Old Harbour (Jamaica) 948.
Old Perlican (Newfoundland), 387, 1379 i.
Old Road (St. Kitts), p. 616.
Oldys, William, 1291 i.
......., ..., document signed by, 1423 i.
Oliver, Nathaniel, 929.
.... Thomas, 433, 739.
Onnondage, 733, 861, 905.
Oporto, 1332.
Orange County (New York), 571.
Orange Fort (Barbados), 86, 572.
ORDNANCE, Board of, 479, 1360.
......., ..., reports, letters, &c., from, 176, 204, 205, 622, 622 i., 647, 647 i., 654, 686, 689, 713, 794, 813, 813 i., 981, 981 xvii., 1262, 1265, 1287, 1316, 1342, 1347, 1347 i., 1354.
......., ... letters, &c., to, 205, 233, 686, 690, 716, 1170, 1177, 1205, 1283, 1287, 1295, 1314, 1315, 1347 i.: *and see* Bridges, William.
.... Master-General of, 1306.
.... Surveyor of. *See* Bridges, William.
Orgill (? Argles), Andrew, 173, 774, 938, 1086, 1097, 1220.
Ormand's Fort (Barbados), 86.
Ormstone, Joseph, 3.
Osborn, Alexander, 30 iv.
Osburn, Jeremiah, 30 iv.
Otis, Joseph, 477, 739.
Oulder, William, document signed by, 1164 v.
Oursel, Nicholas, 1240.
......., ... memorial, &c. from, 267, 1250.
Outerbridge, William, 237, 1014 xliii., xlviii., l., li., p. 616.
......., ..., deposition of, 1158 xii., xvi.
......., ... documents signed by, 535 xiv., 1014 xxxviii., xxxix., xl.
......., William, junr., 1074.
Owaneko (Indian), 1353.

Owen, George, deposition of, 535 xviii., 1014 xxxv.
......, Griffith, 950 ii.
......, ..., document signed by, 1407 i., ii.
......, Robert, document signed by, 847.
Owners' Adventure, ship, 575.
Oyster River, 672, 696, 698, 715, 1425 i.
Oxford (Mass.), 795, 1073, 1413.
Oxford, H.M. ship, 981, 982, 1061, 1150, 1150 ii., 1190.

P

Packer, Joseph, 30 iv.
......, Thomas, 1125, 1413, 1425 i.
Paget's Fort (Bermuda), 1356.
Paggen, Peter, document signed by, 618.
Paice, Joseph, documents signed by, 267, 1369.
......, ..., letter to, 1148.
Paige, Nicholas, 30 v.
Palmer, —, 161.
......, John, 433.
......, ..., document signed by, 1086.
......, Joseph, 168.
......, ..., petition of, 217.
Panama, 22.
Pannquass, Came (Indian), 658.
Papueduck, 1034.
Paquasset, 625.
Paris, 301.
Parke, John, document signed by, 618.
Parker, —, 696.
......, George, 379.
......, Hannaniah, 739.
......, James, letters, &c., from, 1327 xiii., xiv.
......, Thomas, 981 xii.
......, William, document signed by, 1086.
Parks, —, 53.
Parry, Thomas, 1081.
Parsons, John, 15 i.
Partridge, John, 969.
......, ..., petition of, 217.
......, William, Lieut.-Governor of New Hampshire, 85, 137, 183, 206, 206 i., 233, 235, 243, 279, 276, 299, 300, 309, 477, 529, 574, 603, 609, 612, 614, 627, 675, 697, 698, 730, 996, 996 ii., iii., 1070.
Partridge, William—*cont.*
......, ..., late Lieut.-Governor of New Hampshire, 1094, 1183, 1200, 1245, 1365, 1382, 1385, 1425, 1425 i., ii., x.
......, ..., letters from, 183, 238, 315, 413, 432.
......, ..., letter from, [1699], 455.
......, ..., document signed by, 996 iv.
......, Samuel, 30 v., 739.
Paschall, Thomas, 15 i.
Passage Fort (Jamaica), 938, 948, 1135.
Patch, Thomas, 433, 739.
Patuxent, 379, 575, 663, 1071.
Paul, Richard, document signed by, 1424 i.
Paunceford, Edward, 96, 299, 324, 455.
......, ..., letters to, 99, 327.
Pay-Master-General, the, p. 195; *and see* Ranelagh.
Pay Office, the. *See* Jones, Edward; Paunceford, Edward.
Payne, Nathaniel, 760, 801.
......, Stephen, 433.
......, William, 460, 500.
Paxton, William, 17 i.
Peabody, John, 739.
Peace, ship, 1125.
Peachey, —, 73.
Pead, John, 457.
......, William, 572, 661, 1065.
......, ..., petition of, 661.
Peake, John, 901.
......, ..., document signed by, 450, xviii.
Peasley, John, 608 i., 1014 lv.
......, ..., affidavit of, 1014 iii., lvi.
......, ..., letter to, 468.
Pedro (Indian), 22.
Peeke, John, 173, 883, 998, 1024, 1058, p. 653.
Peele, Robert, 981 xii.
Peers, George, 5, 86, 547, 1063, 1102, 1109, 1229, 1244.
Pegg, Daniel, 15 i.
Pegwocket, 969; *and see* Pigwocket.
Peirce, Daniel, 13, 30 v., 413, 433, 652, 739, 779, 798, 920, 978, 1025, 1081, 1323.
......, Ephraim, 739.
Pelham, Herbert, 1232.
Pemaquid, 13, 30, 31 ii., iii., 264, 315, 433, 448, 518, 611, 687 i., 1094, 1198, 1201, 1232, 1266, 1398.
Pemberton, Phineas, 950 ii.
Pembroke Tribe (Bermuda), 1014 xvi (*b*).
Pendarvis, Alexander, a Commissioner of Prizes, document signed by, 1291.

Pendexter, Philip, 1052.

Pendennis, H.M. ship, 123, 123 I., 270.

Penhallow, Emanuel, letters, &c., from, 120, 120 I., II., 625.

......, Samuel, 315, 1114, 1125, 1234, 1245, 1425, 1425 I.

Penhethunan, Timothy, document signed by, 981 VIII.

Peniston, Anthony, junr., 1142.

......, Richard, document signed by, 535 III., XIV., 1014 XXXVII., XXXVIII.

Penn, William, Proprietor and Governor of Pennsylvania, 3, 7, 12, 15, 15 I., 17 V., 21, 23, 28, 218, 219, 256 I., 368, 368 III., 576, 761, 802, 803, 858, 864, 903 I., 904, 950, 1045, 1150, 1150 II., 1156, 1175, 1180, p. 14.

......, ..., documents signed by, 9 I., 20, 21, 23, 24 II., 218, 368, 368 IV., 910, 911.

......, ..., letters, memorials, &c., from, 9, 18, 24, 47, 53, 177, 183, 204, 207, 218, 219, 221, 233, 234, 590, 604, 677, 684, 705, 715, 721, 728, 823, 825, 837, 843, 864, 869, 878, 878 I., 879, 884, 893, 900, 937, 962, 989, 1407.

......, ..., letter to, [1702], 3.

......, ..., letters, instructions, &c. to, [1703], 18 I., 21, 24, 24 I., 147, 154, 160, 163, 177, 256, 258, 509, 675, 684, 705, 718, 728, 811, 869, 884, 941, 950, 950 II., III., IV., 977, 984, 1002, 1006, 1407, 1407 I., 1407 IV., VI.

Pennicook, 625, 694, 1025.

PENNSYLVANIA, 861.

......, Governor of. *See* Penn, William.

......, ..., salary of, 536; *and see* AMERICAN COLONIES.

......, ..., Lieut.-Governor of, 16, 17 V.; *and see* Hamilton, Andrew; Evans, John.

......, Governor and Council of, 17 II., 256.

......, Secretary of. *See* Logan, James.

......, ..., letter from, 1407 III.

......, Vice-Admiralty in. *See* Courts.

......, Lower Counties of, address, &c., from, 16 II., 17 IV., V., 256, 368 II.; *and see* Penn, William.

......, Three Lower Counties in, 218; *and see* Hamilton, Andrew; Penn, William.

Pennsylvania—*cont.*

......, surrender of the Government of, 837; *and see* PROPRIETARY COLONIES; Three Lower Counties (*below*).

......, President and Council, government by, 761, 858, 1150.

......, ..., letters, &c. from, 1151.

......, Assembly of, 16 III.

......, Council of, 950 II.

......, ... minutes of, 17 III.

......, ..., letters from, 1407, 1407 I., IV.

......, Councillors, 950 II.

......, Council in Assembly of, minutes of, 17 I., II.

......, boundaries, 7, 1407 IV; *and see* Lower Counties (*above*).

......, currency in, 590, 604, 892, 974; *and see* Northey, Sir Edward; MASSACHUSETTS (currency).

......, defences of, stores of war for, 17 V.

......, ..., quota of assistance to New York, 718, 860, 966; *and see* NEW YORK (defences).

......, laws of, 47, 160, 163, 207, 234, 747, 753, 755, 772, 974.

......, militia in, 16, 17 V., 18 I., 1407 I.

......, naval stores, 1265, 1269, 1283.

......, Quakers in, 16, 17 V., 218, 219; *and see* Quakers.

......, revenue of, 324.

......, trade, 17 V., 977.

......, ..., acts of, 3.

......, ..., ..., enforcement of, 23; *and see* TRADE AND NAVIGATION.

......, ..., illegal, 256 I. (*c*), (*d*), (*e*), p. 899.

Pennsylvania Company, 1283; *and see* Byfield, Thomas.

......, constitution of, 1286.

......, memorials, &c., from, 1292, 1295, 1360, 1377.

Penny, Henry, 137, 315.

Penny Pot House, 15 I.

Penobscot, 543, 625, 739, 996, 1171.

Peperel, —, 1039.

Pereira, Ishack, 391.

......, ..., letter from, 421, 422.

Peroe, Captain, 87 III.

Perpudook, 1425 VIII. (*b*).

Perrott, Jane, 1327 XIII.

Perry, Micaiah, Agent for Virginia, 53, 134, 174, 176, 450, 576, 860, 1295, 1342, 1372.

......, ... documents signed by, 376, 378.

Perry, Micaiah—*cont.*
......, ..., memorials, letters, from, 366, 545, 773, 777.
......, ..., letters to, 52, 1315, 1360.
Person, John, document signed by, 42 ii.
Perth Amboy, 519, 1033, 1038, 1079, 1150, 1190, 1286, 1297, 1400.
Peru, 1299.
Pestell. Beaumont, document signed by, 1086.
Peterborough, Earl of. *See* Mordaunt, Charles.
Petit Guavas, 123, 323, 1026 i.
Petits Habitants, 737.
Pettis, Thomas, 981 xii.
Petty Harbour (Newfoundland), 1264 v., 1379 i.
Philadelphia, 15 i., 18 i., 42, 368 ii., 616, 941, 950 ii., 1078, 1150, 1190, 1407 i., iii., v., p. 899.
......, charter of, 15 i., 16; *and see* Penn, W.
Philadelphia County, 17 i.
Phelps, Isaac, 433.
Phillips, Adolf, 3, 23, 28.
......, John, 13, 30 v., 739, 940, 1403.
......, Richard, 1115.
......, Timothy, 432.
Phippen, David, 999.
Phippard, Sir William, 53, 73, 350.
Phips, Constantine, Agent for Massachusetts, 30, 250, 576, 1342, 1344.
......, ..., letters, memorials, from, 258, 264, 925, 1201, 1296.
......, ..., letter to, 1170.
......, Samuel, 433, 739.
......, Sir William, 673.
Phlepps, Frederick, 982.
Pickering, Benjamin, 30 iv.
......, John, 698, 715, 1425 i.
Piers, Henry, 438, 967, 1316.
Pigwocket, 1025, 1144, 1398; *and see* Pegwocket.
Pigg, John, 981 xii.
Pike, Francis, 457.
Pilgrim, John, 1102, 1229, 1241, 1244.
Pillar (coinage), 1299.
Pinhorne, William, 519, 1035, 1079.
Pinnenburg, ship, 923 xii.-xv.
Piraguas (pereaugers), 1158, 1158 xv., p. 616.
Pirates, 29 iv., 136, 171, 503, 628, 673, 768, 1014, 1014 xxxix., xlix., l., li., lxviii., 1016, 1074, 1150, 1158, 1158 i.-viii., 1205, 1313, 1398; *and see* Tew.
Pirates—*cont.*
......, act concerning, 628, 630, 704, 928, 1014 li.
......, commission for trial of, in the Plantations, 855, 928, 988, 1014 li., 1074, 1205.
Piscataqua, 13, 85, 93, 137, 198, 199 ii., 225, 269, 315, 380, 529, 543, 590, 625, 898, 902, 969, 996 iv., 1025, 1052, 1081, 1094, 1144, 1221, 1246, 1413, 1426, pp. 409, 603.
Piscataqua River, 265, 611, 672.
Piscataway, 611, 687 i.
...... River, 687 i.
Pittman, James, 885 iii.
Placentia, 30, 192, 315, 316, 342 i., 361, 380, 523, 673, 716, 783 i., 1071, 1116, 1131, 1191, 1191 i., 1264, 1332, 1338, 1342.
Placentia Bay, 156.
Plaisted, Ichabod, 137, 315, 543.
Plater, George, 379, 663, 1150, 1190.
......, ..., letter from, 1061.
......, ..., petition of, 847, 1118.
Plowman, Daniel, 939.
......, Matthew, documents signed by, 618, 1405.
Plymouth, 369, 382, 453, 706, 791 i., 792, 867, 1276, 1332, 1387.
......, mayor of, officers of, letters from, 402, 442, 442 i., 676, 676 i.
Plymouth (Mass.), 433, 739, 1039, 1144, 1323.
Plymouth (Montserrat), 666, 737.
Plymouth, Council of, 501.
Plymouth County (Mass.), 30 v., 477, 739, 768, 1025.
Point Comfort (Va.), 616, 836.
Pollard, Edward, petition of, 658.
Pollexfen, John, a member of the Council of Trade and Plantations, 1129.
......, ..., documents signed by, 6, 8, 11, 20, 32, 37, 61, 70, 77 i., 100, 158, 172, 178, 188, 201, 205, 215, 218, 235, 238, 239, 241, 244, 245, 249, 250, 251, 252, 292, 305, 337, 339, 342, 342 i., 347, 353, 354, 356, 358, 372, 373, 374, 398, 404, 407, 410, 416, 426, 434, 446, 473, 474, 479, 495, 496, 506, 507, 508, 511, 527, 533, 536, 555, 562, 565, 578 i., 580, 611, 612, 621, 623, 627, 628, 629, 630, 631, 633, 634, 635, 636, 665, 666, 681, 687, 688, 690, 691, 692, 718, 719, 720, 721, 722, 724, 731, 741, 742, 744, 750, 758, 782, 789, 790 i., 829, 838, 839, 840,

Pollexfen, John, documents signed by—*cont.*
842, 845, 1000, 1005, 1019, 1149, 1149 i., 1160, 1166, 1174, 1178, 1179, 1189, 1191, 1202, 1204, 1208, 1213, 1214, 1243, 1260, 1281, 1287, 1299, 1304, 1305, 1306, 1313, 1314, 1383, 1389 ii., 1390, 1405, 1410.
Poole, 342, 387, 1332.
......., merchants of, petition of, 156; *and see* Newfoundland (merchants).
......., Mayor of, letter from, 402.
Pope, Robert, 1151.
Popple, William, Secretary to the Council of Trade and Plantations, 14 i., 461 i., 503, 985.
...., letters, &c., from:—
[1702], 2, 21, [? 28], 38, 48, 50, 51, 52, 54, 59, 62, 63, 71, 77, 77 i., 99, 241, 272, 538.
[1703], 138, 139, 152, 153, 163, 171, 232, 240, 242, 243, 255, 256, 257, 263, 286, 287, 290, 297, 305, 312, 326, 327, 331, 333, 346, 369, 371, 382, 382 i., 383, 389, 390, 395, 396, 397, 423, 424, 425, 441, 442, 442 i., 470, 490, 497, 498, 501, 509, 510, 538, 606, 632, 642, 656, 659, 661, 683, 684, 728, 735, 743, 749, 751, 752, 753, 756, 770, 772, 781, 783, 783 i., 786, 790, 790 i., 808, 811, 848, 850, 853, 866, 866 i., 884, 887, 915, 941, 942, 943, 957, 984, 988, 990, 991, 992, 1002, 1004, 1007, 1050, 1051, 1069, 1077, 1135, 1136, 1140, 1146, 1158, 1159, 1165, 1175, 1178, 1203, 1223, 1235, 1278, 1294, 1298, 1308–1312, 1321, 1325, 1348, 1351, 1359, 1362, 1370, 1389, 1389 i., ii., 1392, 1406, 1408, 1423.
......., ..., letters, &c., to:—
[1702], 14, 21, [? 24], 44, 45, 55, 58, 60, 60 i., 64, [? 125], 240, 242, 395, 538.
[1703], 126, 133, 157, 169, 177, 182, 272, 281, 348, 369, 370, 382, 382 i., 387, 389, 390, 394, 394 i., 417, 538, 560, 568, 577, 607, 660, 676, 676 i., 683, 684, 706, 710, 728, 734,

Popple, William, letters, &c., to—*cont.*
731 i., 743, 762, 763, 780, 799, 819, 853, 867, 887, 925, 957, 988, 988 i., 1009, 1009 i., ii., 1013, 1014, 1026, 1051, 1072, 1108, 1137, 1140, 1157, 1220, 1223, 1223 i.-ix., 1236, 1263, 1276, 1288, 1288 i., 1294, 1298, 1310, 1320, 1320 i., 1321, 1325, 1329, 1330, 1331, 1331 i., 1359, 1367 [? 1368], 1370, 1376, 1379, 1379, i., 1392, 1422, 1422 i., 1423.
Popple, William, junr., letters from, 154, 1180, 1188, 1397.
Port Charles (Jamaica), 1325; *and see* Charles, Port.
Port Royal (Jamaica), 123, 124, 161, 173, 184, 211, 212, 228, 253, 254, 280, 284, 289, 291, 301, 310, 310 i., 319, 344, 363, 412, 439, 447, 453, 457, 458, 491, 496, 498, 499, 504, 505, 524, 524 vii., 544, 583, 590, 606, 617, 618, 621, 623, 631, 638, 645, 667, 685, 693, 758, 774, 784, 818, 833, 846, 856, 865, 870, 882, 885, 885 iii., iv., 888, 928, 936, 948, 970, 979, 1051, 1054, 1055, 1055 ii., vii., 1082 (i.), (iii.), 1083, 1108, 1119, 1133, 1141, 1147, 1148, 1149, 1149 i., 1153, 1153 i., 1155, 1204, 1221, 1224 i., 1238, 1238 i., 1239 i., 1261, 1275, 1288 i., 1306, 1314, 1315, 1322, 1325, 1326, 1327 xv., xvi., 1354, 1360, 1401, 1424 i., p. 443; *and see* Charles, Port.
......., freeholders, &c., of, petition of, 1082.
Port Royal (Carolina), 303, 1268.
Port Royal (Nova Scotia), 30, 380, 488, 500, 518, 543, 611, 673, 1037, 1052, 1067, 1094, 1398.
Port St. Pierre (St. Kitts), 125.
Portlock, Edward, document signed by, 981 vi.
Portmore, Lord. *See* Colyear, David.
Porto Bello, 22, 123, 124, 275, 1327.
Porto Rico, 124.
Portsmouth (England), 5, 122, 235, 382.
Portsmouth (Mass.), 1231.
Portsmouth (New Hampshire), 167, 1145.
Portsmouth, ship, 996 iii.
PORTUGAL, 206, 246, 342 i., 348, 350, 369, 382 i., 389, 390, 403, 442 i., 783 i., 1088, 1332, 1376.

Portugal Cove (Newfoundland), 1379 i.
Post-Master General, the, 568, 570.
......, ..., letters to, 425, p. 350.
Potomac, 1150 ii.
Povey, John, Clerk of the Privy Council, 128.
......, ..., documents signed by, 66 i., 101, 142, 175, 179, 197, 202, 216, 220, 221, 224, 375, 405, 406, 408, 409, 483, 542, 586, 587, 614, 615, 647, 648, 649, 650, 668, 669, 671, 699, 700, 701, 703, 745, 812, 813, 894, 895, 904, 971–977, 1027, 1028, 1253, 1254, 1255, 1256, 1279, 1282, 1307, 1371, 1412, 1412 i.
......, Thomas, Lieut.-Governor of Massachusetts Bay, 198, 413, 861, 969, 999, 1052, 1125, 1231, 1385.
......, ..., letter to, 863.
Powell, Daniel, 1327 iii.
......, John, 53, 64, 299, 305, 306, 580.
......, ..., document signed by, 49.
......, ..., memorial from, 75, 279, 281, 281 i., ii.
......, Thomas, document signed by, 1086.
Powys, Sir Thomas, 350.
Preble, Abraham, 739, 1034.
......, ..., junr., 800.
Prideaux, Roger, 295, 336, 338, 340, 341, 383, 444, 534, 554, 1078, p. 195.
......, ..., petition of, 340 iii.
Prince, Law, document signed by, 618.
Prince, sloop, 1276.
Prince George's County (Va.), 914, 1176 vii., xii.
Princess Ann County (Va.), 450 xvii., 494, 981 xii., 1176 xii.
Prior, Matthew, a member of the Council of Trade and Plantations, 339.
......, ..., documents signed by, 6, 8, 11, 20, 32, 37, 61, 70, 77 i., 100, 158, 172, 178, 188, 201, 205, 215, 218, 235, 238, 239, 241, 244, 245, 249, 250, 251, 292, 305, 337, 339 i., 342, 342 i., 347, 353, 354, 355, 356, 358, 372, 373, 374, 398, 404, 407, 410, 416, 426, 434, 446, 471, 473, 474, 479, 495, 496, 506, 507, 508, 527, 533, 536, 555, 562, 565, 578 i., 580, 611, 612, 621, 623, 627, 628, 629, 630, 631, 633, 634, 635, 636, 665, 666, 687, 688, 690, 691, 692, 718, 719, 720, 721, 722, 724, 750, 782, 789, 790 i., 829, 838, 839, 840, 842, 845, 889, 890, 891, 892, 922, 937, 958, 959, 960, 964, 965, 966, 1000, 1001, 1005, 1019, 1149, 1149 i., 1160, 1166, 1174, 1178, 1179, 1189, 1191, 1202, 1204, 1208, 1213, 1214, 1243, 1260, 1281, 1287, 1299, 1304, 1305, 1306, 1313, 1314, 1383, 1389 ii., 1390, 1405, 1410.
Privateers, commission and instructions for, 1295, 1303.
Privy Council, the, 170, 472.
......, ..., letters, petitions, to, 143, 745, 745 i.
......, ..., order of, 745, 745 i.
......, ..., report to, 890.
Prizes, Commissioners of, letters, memorials from, 1320, 1320 i., 1342, 1401, 1406.
......, ..., letter to, 1309, 1315, 1406; *and see* Duncombe, Anthony; Morley, George; Anstis, John; Gosselin, W.; Brereton, Edward; Yard, R.; Pendarvis, A.; WEST INDIES.
......, trial of, 1279.
PROPRIETARY COLONIES (*viz.* Bahamas, Carolina, Connecticut, New Jersey, Pennsylvania, Rhode Island), 822, 1150, 1150 ii., 1448.
......, re-assuming of, to the Crown, 677, 684, 724, 728, 802, 803, 811, 823, 837, 843, 860, 864, 1400.
......, Governors of, salaries of, 536; *and see* AMERICAN COLONIES (Governors).
......, ..., letters to, 490.
PROVIDENCE (Bahamas), 1098, 1158, 1196, 1223, 1383.
......, address from, 80; *and see* BAHAMAS.
Province, galley, 93, 269, 652, 999, 1025, 1039, 1062, 1171, 1231, 1403.
Prower, William, 737.
Prudden, Nathaniel, document signed by, 535 xiv., 1014 xxxviii.
Puckle, Daniel, 950, 1147.
......, ..., document signed by, 267.
Pullein, Henry, 1015, 1150 iv., 1158, 1407 i., p. 902.
Pulteney, J., a Commissioner of Ordnance, documents signed by, 176.
Puncapoag, 956, 1403.
Purcell, —, account of, 1417.

Purdy, Joseph, document signed by, 748.
Pusey, Caleb, 17 i., 950 ii., 1151.
......, ..., documents signed by, 1151, 1407 i., ii.
Putnum, John, 30 iv.
Pyle, Nicholas, 17 i.
Pym, Thomas, 30 iv.
Pymene, ship, 151 ii.
Pynchon, John, 30 v., 477.
......., John (2), 30 v.
Pynne, Robert, document signed by, 1.
......, William, document signed by, 1.

Q

Quaboag (Mass.), 795.
Quaboag Plantation, 898, 908.
Quakers, the, 16, 17 v., 141, 147, 218, 219, 368, 519, 572, 761, 847, 858, 941, 950, 1033, 1079, 1102, 1138, 1150 iii., 1190, 1400, 1407 iii., vi., p. 18.
Quarry, Robert, 7, 18 i., 434 i., 450, 519, 981, 1035, 1079, 1098, 1115, 1140, 1176, 1190, p. 521.
......., ... letters, memorials, from, 16, 16 i., 17, 233, 258, 368, 368 i., 372, 381, 643, 644, 645, 803, 858, 859, 950, 950 i., 993, 993 i., 1033, 1033 i., 1129, 1150, 1150 ii., 1170, 1174, 1174 i., 1180, 1192, 1400, 1407 i., iii., p. 895.
......., ..., letters to, 16, 17 v., 372, 378, 993, 1150 iii., iv., 1155.
QUEBEC, 193, 380, 625, 860, 996, 1078, 1094, 1131.
Quelch, Joseph, 161, 319, 883.
......., ..., petition of, 919.
Queen's County (New York), 861.
Queen's Fort (Barbados), 1109, 1195.
Quidi Vidi (Kitty Witty), Newfoundland, 1264 v., 1379 i.
Quinoe (Quynes), deposition of, 338, 444.

R

Raing, Philip, document signed by, 618.
Ralph, Daniel, 30 iv.
Ramsay, David, 1195, 1223 iii. (*b*).
Randolph, Edward, Surveyor-General of Customs in North America, 137, 981, 996 i., 1031, 1133, 1136, 1150, 1150 ii.
......., ..., memorial from, 150, 315.
......., William, 480, 494, 926, 1176 vii.
......., ..., document signed by, 450 xix.
Ranelagh, Lord. *See* Jones, Richard
Ranews. *See* Renouse.
Ranson, James, 494, 532, 1176 vii.
Rappahannock, 450, 1176 vii.
Rappahannock River, 523.
Rapparees (Irish), 1094.
Rawlin, William, 148, 209, 572, 1092, 1195.
......., ..., document signed by, 1121.
Rawlings, John, 1014 xxi. (*a*), xxvi., 1327 xii.
......., ..., deposition of, 1014 xxx.
Rawlins, Robert, affidavit of, 535 x.
Rayner, John, letter from, 1141, 1148.
Read, Captain, petition of, 804.
......., Charles, 15 i.
......., Elizabeth, deposition of, 1014 xxi. (*a*).
......., John, 458.
......., Olivia. *See* Reid.
......., William, 1229.
Reading (Mass.), 433, 739.
Rebecca, ship, 745 i.
Recovery, H.M. ship, 123.
Redman, —, 168.
......., Charles, 956.
......., John, 217.
......., ..., affidavit, &c., of, 199 i., 1424 i.
Redmond, John, 558.
Redwood, John, petition of, 522, 523.
Rees, Bartholomew, 4, 259.
......., ..., petition of, 457.
......., Mary, petition of, 457.
Rehoboth (Mass.), 433, 739, 920.
Rehobor Bay, 1407 iv.
Regnier, J., 1407 i.
Reid, Olivia, 458, 651, 856, 873, 882, 1043.
......., John, 458, 1267.
Remington, John, 494.

Renouse (Newfoundland), 1264, 1379 i., p. 849.
Renslaer, Kilian van, 100 i.
......, ..., documents signed by, 29 iii., iv., 748.
Resolution, H.M. ship, 737, 1014 liii., lvi.
Revell, Thomas, 519, 1035, 1079.
Reward, ship, 1349.
Reynoldson, Thomas, 209, 844, 994, 1102, 1110, 1195, 1241.
Rhode Island and Providence Plantation, 16, 30, 30 i., 233, 239, 315, 400, 673, 697, 1014 xl., xliii., xlv.-xlviii., 1150 iv., 1223, 1226, 1388, 1422, 1425 ii.
......, Governor of. *See* Cranston, Samuel.
......, Governor and Company of, addresses letters, from, 401 ii., iii., iv., 857, 857 i., 860, 1029.
......, ..., [1699], 1342.
......, ..., letter to, [1702], 401 ii.
......, ..., ..., [1703], 512, 1067, 1094.
......, Government of, irregularities of, 717 ; *and see* Dudley, Joseph.
......, Secretary of. *See* Clarke, West.
......, Vice-Admiralty in. *See* Courts.
......, Assembly of, letter from, 30 ii.
......, Agent for. *See* Brenton, Jahleel.
......, defences of, 857, 860.
......, ..., quota of assistance to New York, 857 ; *and see* New York.
......, Indians, 401 iv.
......, laws of, 1342, 1348, 1415, 1415 i.
......, militia in, 30 ii.
......, piracy in, 673, 1014, 1014, xlvi ; *and see* Pirates.
......, thanksgiving, day of, 857, 857 ii.
......, trade of, 16, 861.
...., illegal, 16, 30, 256 i. (*e*), 611, 697.
......, ..., acts of, enforcement of. *See* Trade and Navigation.
......, petition of, 328, 804.
Rice, David, 461 i.
Richards, A., letter from, 716.
......, David, 885 iii., iv.
Richards, Michael (engineer), 752, 1116, 1191, 1264, 1339, 1342.
......, ..., document signed by, 1071.
Richards, Michael—*cont.*
......, ..., letter from, 475, 623, 782.
......, ..., letter to, 590, 609, 609 i., 773, 782.
Richard and James, ship, 592, 876.
Richardson, Catherine, 215.
......, John, 455.
......, ..., documents signed by, 450 xvii., 462.
......, Robert, 215.
......, Samuel, 1150 iii.
Richier, —, late Governor of Bermuda, 839.
Richinson, Thomas, 739.
Richmond County (New York), 680, 861.
Richmond County (Va.), 551, 1176 vii., xii.
Rider, Mary, petition of, 493, 532.
Riggs, John, document signed by, 42 ii.
Rio Cobree (Jamaica), 294, 691, 938.
Rio Essequibo, 923 vi.
Rio Grande, 22, 123, 1428.
Rivers, James, document signed by, 1071.
Roanoke, 16.
Robart, M., Intendant of Martinique, 1270.
Robe, James, 13, 269, 1403.
Robert and Mathews, ship, 1327 v.
Roberts, Nicholas, petition of, 779.
......, William, 34.
......, ..., document signed by, 40.
Robertson, George, document signed by, 981 vi.
......, William, 557, 914.
Robinson, John, 457, 981 xii.
......, Jonathan, 981 xii.
......, Tully, 523, 1176 vi.
......, William, 494, 551.
......, ..., document signed by, 450 xix.
Robison, —, 1327.
Rocheeaux, 899.
Rochester, Bishop of, 129.
Rochester, Earl of. *See* Hyde, Laurence.
Rock Spring (Jamaica), 617.
Rodes, Nicholas, 981 xii.
Rogers, Benjamin, 981 xii.
......, Francis, document signed by, 618.
......, John, petition of, 880.
......, Lieutenant, 860, 1190.
......, Robert, 981 xii.
......, Thomas, document signed by, 335 ii.
......, William, 301.
Roissie, James, document signed by, 267.
......, John, document signed by, 1249.

Roman, Philip, 1151.
Romer, William Wolfgang, engineer, 41, 100 i., 433, 460, 518, 543, 611, 673, 864, 940, 954, 996, 999, 1094, 1111, 1198, 1234, 1262, 1280, 1283, 1317, 1344, 1385, 1398, 1413
......, ..., letter from, 1287.
......, ..., letters to, 801, 1365.
Rooke, G., a Lord of the Admiralty, documents signed by, 170.
Roope, John, 556, 675, 689, 690, 782, 794.
......, ..., documents signed by, 562 i., 1164 v.
......, ..., letters, memorials, of, 391, 403, 556, 567, 626, 1131, 1315, 1338, 1381, 1381 i.
Root, Samuel, 739.
Rose, Francis, 25, 254, 357, 428, 447, 764.
......, ..., petition of, 1082 (iii.), 1083 (i.).
......, John, document signed by, 618.
......, Thomas, 810.
Ross, Andrew, 981 xii.
......, Edward, 836, 914, 1053.
...., petition of, 493, 532.
......, William, petition of, 127.
Rouse, John, 457.
......, Thomas, 30 iv.
Rowe, William, 885 iii., iv., 1195.
Rowland, Edward, document signed by, 1086.
......, Samuel, 1150 iv.
Rowley (Mass.), 433, 739.
Roxbury (Mass.), 30 iii., 433, 478, 739, 795, 1425 i. (*f*), (*h*).
Royal Island, 1014 xlix.
Royals (Double Bits), 604.
Roydon, William, 24 i.
Royle, John, memorial from, 675, 682.
Ruby, H.M. ship, 123, 123 i., 270, 849.
Rudd, William, document signed by, 981 vi.
Ruggles, —, 500.
......, Benjamin, petition of, 448, 478.
......, Samuel, petition of, 795.
Rumsey, E., document signed by, 1071.
Russell, Jacob, affidavit of, 608 iv.
......, James, 460, 500, 518, 739, 969, 1344.
......, ..., document signed by, 1420 i.
......, W., document signed by, 1424 i.
Russia, 1185.
Rye, H.M. ship, 890.

S

Saba, Island, 737.
Sabarett, M., letter from, 135.
Sable, Cape, 898, 1094.
Saco, 13, 269, 460, 517, 584, 779, 898, 920, 951, 969, 1025, 1034, 1037, 1062, 1067, 1094, 1344, 1425 viii. (*b*).
Sadler, Charles, 212, 253, 499, 1238.
......, ..., petition of, 1082 (iii.), 1083 (i.)
......, Thomas, 769.
Saffery, 929.
Saffin, John, 739, 929.
...., petition of, 775, 1344.
Sagadahock, 380.
Sagadahock, River, 739.
St. Andrew's, precinct of (Jamaica), 173, 228, 294, 458, 691, 938, 1048, 1130.
St. Andrews, parish (Barbados), 826, 1063, 1121, 1122.
St. Ann's (Jamaica), 173, 211.
St. Antonio, H.M. Ship, 270, 1393.
St. Augustine (Florida), 16, 27 i., 303, 368, 438, 545, 1268 i., 1377.
St. Catherine's (Jamaica), 173, 294, 412, 691, 476, 938, 1048, 1086, 1093, 1238, 1327 ix.
St. Christopher's, 301, 323, 407, 453, 495, 737, 791 i., 849, 1041, 1068, 1276.
......, Governor of. *See* Codrington, Christopher.
...., salary of, 536; *and see* American Colonies (Governors).
......, Lieut.-Governor of. *See* Norton, James.
......, Assembly of, address from, 422.
......, Councillors, 232.
......, defences of, stores of war for, 23, 120, 125, 241, 570.
......, French part of, capitulation of, 125 i.; *and see* France.
......, laws of, 23, 32, 69, 422, 437, 473.
......, militia in, 120, 120 i., ii.
......, negroes, 422.
......, Patentees in, 241.
......, settlement of, 241, 473.
......, trade of, 849.
......, ..., acts of, enforcement of. *See* Trade and Navigation.

St. Croix, 611, 1094, 1144.
St. David's, parish (Jamaica), 173, 458, 936, 1043.
St. Domingo, 124, 1124 ii., 1190, 1329.
St. Dorothy's (Jamaica), 173, 1048, 1130.
St. Elizabeth's (Jamaica), 173, 190, 458, 469, 774, 784, 856, 873, 882, 936, 1097.
St. George's, parish (Barbados), 707, 804, 1014 v., vi., xviii. (*a*), lxv., 1074, 1063, 1110, 1340.
St. George's (Jamaica), 173, 412, 458, 469, 810, 821, 928, 936, 1043.
St. Jago de la Vega (Jamaica), 27 i., 190, 268, 459, 504, 727 i., 948, 1326, 1327 ix.
St. James Fort (Barbados), 1109.
St. James, precincts (Barbados), 4, 259, 826, 1063.
St. James' (Jamaica), 173, 459.
St. John's (Antigua), 1032.
St. John's, parish (Barbados), 1063.
St. John's (Jamaica), 173, 1048, 1130.
St. John's (Newfoundland), 156, 316, 342 i., 526, 552, 556, 562 i., 609, 626, 636, 690, 783 i., 794, 1191, 1264, 1264 v., 1342, 1379 i.
St. Joseph's, parish (Barbados), 1063.
St. Katherine's (Jamaica). *See* St. Catherine's.
St. Lawrence, river, 748, 860.
St. Louis, 1124 v., vi.
St. Lucy's, parish (Barbados), 1063.
St. Mary's, 22, 173, 211.
......, river of, pp. 23, 24.
St. Mary's Bay (Newfoundland), 1071.
St. Mary's County (Maryland), 379.
St. Mary's County Court (Maryland), 1118.
St. Michael's fort (Barbados), 457.
St. Michael's, parish (Barbados), 826, 1063, 1195.
St. Michael's Town (Barbados), 5, 805, 912, 1109.
St. Patrick, barque, 1327 v.
St. Peter's, precincts (Barbados), 4, 826, 1063, 1195.
St. Peter's, parish (Va.), 1115.
St. Philip's, fort (Barbados), 457.
St. Philip's, parish (Barbados), 1063, 1241.
St. Pierre, Port (Martinique), 1329.
St. Thomas, island 950, 1072 i., 1158, 1194, 1124 ii., iii., 1208 i. p. 617.
......, ..., Danish colony at, 1208 i., *and see* Denmark.
......, ..., Governor of, 1065.
......, ..., letters from, 1326, 1327 v.
......, ..., letters to, 1327 vi.
St. Thomas—*cont.*
......, Royal West India Company, of, 1065; *and see* Lawrence, John.
......, trade (illegal), 1072 i.; *and see* Trade and Navigation.
St. Thomas, parish (Barbados), 1063.
St. Thomas, parish (Jamaica), 936, 1130.
St. Thomas the Apostle, Bath of (Jamaica), 691.
......, Corporation of the Bath of, 344.
St. Thomas to the East, parish (Jamaica), 458, 1043.
St. Thomas-in-the-Vale (Jamaica), 173, 211.
St. Thomas-to-Windward (Jamaica), 173, 1048, 1197.
St. Vincent's, 164.
Salem (Mass.), 433, 584, 613, 625, 739, 1034, 1274, 1302, 1413, 1420 vii.
Salisbury (Mass.), 433, 739.
Salley, 413.
Salmon, William, 1195, 1343.
Salmon Cove (Newfoundland), 387, 1379 i.
Salt Pond (Jamaica), 1133, 1315.
Salt Pond Hill (Jamaica), 618, 1082 (iii.).
Salt Tortugas, 641, 1014 xlix, lv., lvii.
Salter, Richard, petition of, 1249.
Saltonstall, Nathaniel, 1353.
......, document signed by, 1420 iv.
Salvage (Newfoundland), 1379 i.
Salutation, the (Boston), 1073.
Sam (Indian), 625.
Sambo, William, petition of, 1195.
Sambles (St. Mary's), p. 23.
Sampson, James, 739.
Samuels, John, 970, 1058.
Sanders, James, deposition of, 575, *and see* Saunders.
......, Paul, 368 iii.
......, Richard, 981 xii.
Sandford, —, 519, 1079.
......, Thomas, document signed by, 267.
......, William, 1035.
Sandiford, John, 981 xii.
Sandilands, James, 368 iii.
Sandy Hook, 860, 1098.
Sandys, Captain, 1014, 1016.
......, Lancelot, deposition of, 535 xx., 1014 xviii. (*a*), xxxiv.
Sandwich (Mass.), 433, 739.
Sansom, John, Secretary of Customs, 1133.
......, ..., letters from, 1140, 1155 1391.
......, ..., letters to, 1136, 1140, 1188, 1192, 1226, 1315, 1360.

Santa Crux d' Cana. *See* St. Mary's.
Santa Martha, 123.
Sarah, galley, 127.
Saratoga, 861, 1018.
Satchell, John, 24 i.
Saunders, James, 434 i.; *and see* Sanders.
Savage, Ephraim, 433, 739.
......, Rowland, 981 xii.
......, Thomas, 30 v.
Sawin, Thomas, 739.
Sawtle, Thomas, 30 iv.
Sayers, Nicholas, 1092.
Scarborough, Charles, deceased, 1176.
Scarburgh, Edmund, document signed by, 450 xix.
......, Henry, document signed by, 450 xix.
Scarlet's Wharf (Boston), 380.
Schaachhook, 861, 1018.
Schoolen, Isaac, document signed by, 1.
Schuyler, —, widow, 807.
......, Myndert, documents signed by, 29 iii., iv., 748.
......, Peter, 100 i., 822, 1078.
......, ..., document signed by, 29 iii.
Scilly Islands, the, 1370 i.
Sclater, James, document signed by, 981 vi.
SCOTLAND, 450, 697, 1014, 1033, 1094, 1400, 1419, 1428.
Scott, John, 1115.
......, ..., document signed by, 401, vii.
......, Richard, 826.
Seabury, Samuel, 739.
Seaflower, sloop, 5, 694, 717, 779, 1037.
Seahorse, H.M. Ship, 270, 301, 1042.
Seberinsth, Cornelius, document signed by, 29 iii.
Secretary of State, H.M. *See* Nottingham, Earl of; Vernon, James.
......, letters from, 95, 1449, 1450; *and see* Finch.
......, letters to, 95, 583; *and see* Finch.
......, memorial to, 289.
......, letters to [1702], 289.
Sefference, Joseph, 1242.
Seguinard, M., letter to, 1121 vi.
Selwyn, William, late Lieut.-Governor of Jamaica, 27 i., 367, 438, 496, 617, 1221, 1360, 1347 i.
......, ..., instructions to, [1701], 23.
SENECTADY, 533, 861, 1018.
Sergeant, Edward, 1073.
......, Joseph, 1124 i., 1327 v.
......, Peter, 739, 1403.
Serpent, H.M. ship, 270, 1042.
Serra, Antonio Gomez, petition of, 384.
Sertaine, Thomas, 1109.
......, Isabella, widow of above, 1109.
Servant, Bertram, 140.
Sevenois, the, 1338.
Severn, River (Maryland), 575.
Sevill, 1299.
Sewall, Samuel, 31 viii., 413.
......, Hannah, wife of above, 31 viii.
......, Samuel, document signed by, 1420 iii.
......, Samuel, junr., 31 viii.
......, Stephen, 613, 1413.
Seymour, John, Governor Maryland, 144, 160, 233, 245, 279, 854, 1031, 1118.
......, ..., letters, instructions to, 172, 172 i., 175, 324, 434, 434 i., 435, 437, 486, 545, 675, 722, 930, 934, 990.
......, ..., petition of, 420, 420 i.-v., 422.
......, William, documents signed by, 535 xiv., 1014 xxxviii.
Shadow, sloop, 35, 535 xix., xx., 1014 ii., xi., xvii. (*a*), (*b*), xviii. (*a*), xxv. (*b*), xxvi., p. 615.
Shalote, Samuel, 30 iv.
Shanke, Matthew, document signed by, 42 ii.
Sharpe, —, 283, 555.
......, Henry, 779.
......, John, document signed by, 847.
......, Thomas, documents signed by, 17 iv., v., 981 vi.
......, William, 86, 1091, 1109.
Sheafe, Sampson, 85, 137, 150, 307, 315, 543, 996 ii., iii., iv., 1245.
Shelden, —, 982.
Shepeard, Francis, document signed by, 1.
Sherborne (Mass.), 433, 717, 739, 898, 929, 940.
Sherburne, Louie, 185.
Sherlock, Charles, 30 iv.
......, Samuel, 1117.
......, ..., petition, &c. of, 535 xiv., 1014 xxxviii., 1016.
Sherman, Joseph, 433, 739.
Sherrard, —, engineer, 787, 831, 1072 i., 1262.
Sherwin, Henry, 618.
Shiffe, Benjamin, 30 v.
Shippen, Edward, 15 i., 17 i., 950 ii., 1150 iii., 1407 iii.
......, ..., documents signed by, 1151, 1407 i., ii.
......, John, document signed by, 1369.

Ships, H.M. *See* Navy, the Royal. Others, *see* *Amity*, sloop, &c.
Shoote, John, 127.
Short, —, account of, 1211.
Shrimpton, Elizabeth, 779.
......, ... petition of, 1266.
Silly Cove (Newfoundland), 387, 1379 i.
Simmons, Commodore. *See* Symonds.
Simson, Thomas, petition of, 319.
Sittingbourne (Va.), 551.
Situate (Mass.), 433, 477, 739.
Skene, Alexander, Secretary of Barbados, 1138.
......, ..., commission for, 736.
......, ..., letters from, 282, 282 i., ii., iii., 440, 440 i., ii., 590, 723, 742, 747, 1012, 1012 i., 1014, 1206, 1310, 1330.
......, ..., letter to, 1310.
Skoolkill, 15 i.
Slingsby, Arthur, 826.
Sloane, Hans, document signed by, 1224.
Small, Francis, affidavit of, 199 ii.
......, William, document signed by, 450 xix.
Smett, William, document signed by, 981 vii.
Smirkey, William, memorial from, 1381.
Smith, Arthur, 494, 523, 981 xii., 1023.
......, Benjamin, 739.
......, Captain, 673, 1094, 1398.
......, Daniel, 500, 1014 l., li., lxviii, 1158, 1158 ii., xiv.
......, ..., deposition of, 1014 xlix, 1158 iv.
......, Guy, 523, 537.
......, ..., document signed by, 981 vi.
......, H., document signed by, 618.
......, Habrishus, 618.
......, John, 618, 1176 vii., 1249.
......, ..., petition of, 1241.
......, Joseph (Chaplain), 652.
......, Joseph, Treasurer of New Hampshire, 996, 1365, 1425, 1425 i.
......, ..., letter from, 730, 732.
......, Joshua, document signed by, 618.
......, Lawrence, 1176 vii.
......, Peter, 1327 v.
......, ..., letter from, 1124 ii.-vi.
......, Robert, 434 i.
......, Samuel, documents signed by, 535 xiv., xvi., 1014 xvi. (*b*), 1014 xxxviii.
......, Thomas, 898.
......, ..., petition of, 535 xvi., 1014 xvi. (*a*).
Smith—*cont.*
......, Tully, document signed by, 450 xvii.
......, William, 100 i., 534.
......, ..., documents signed by, 29 iii., 450 xvii.
Smout, Edward, 15 i.
Snead, John, 981 xii.
Slovill, Elias, document signed by, 1014 liii.
Snell, John, 318.
......, ..., document signed by, 316.
Society Hill (Philadelphia), p. 12.
Solich, Major, 861.
Solicitor-General. *See* Harcourt, Simon.
......, opinion of [1686], New England, Receiver-General of, 1425 ii., iii., *and see* Usher, John.
Sollars, Jacob, 981 xii.
Somersby, Henry, 413, 1025, 1323.
Somerset County (Maryland), p. 903.
Sonmans, Peter, 1430.
......, ..., letter from, 1429.
Southack, Cyprian, 198, 269, 584, 652, 717, 779, 999, 1037, 1039, 1052, 1171, 1403.
......, ..., letter from, 694.
Southampton, H.M. ship, 58, 71, 103, 127, 140, 174, 368, 450, 450 xx., 537, 549, 575, 876, 1293.
Southton (New York), 664.
Southward, Edward, 433.
Southwell, Edward, documents signed by, 67, 69, 97, 98, 103, 540, 541, 541 i., 565, 566.
Southworth, William, 1323.
SPAIN, 5, 6, 16, 19, 22, 27 i., 86, 87 iii., 119, 124 i., 170, 193, 206, 244, 300, 303, 345, 421, 523, 572, 604, 673, 764, 783 i., 914, 981, 987, 1016, 1059, 1094 ii., 1155, 1158, 1243, 1268, 1326, 1328, 1364.
......, trade with, 472.
......, war with, 345, *and see* FRANCE.
Span, Jonathan, document signed by, 1071.
Spanish Town, 1153, 1224 i., 1238, 1326.
Sparke, Arthur, document signed by, 1086.
Sparrow, Jonathan, 768.
Sparry, Samuel, document signed by, 267.
Sparwink River, 1425 viii. (*b*); *and see* Spurwink.
Speedwell, sloop, 85, 1023.
Speight, Francis, junr., 981 xii.
......, William, junr., 981 xii.
Spiegel, —, van der, petition of, 585.
Spirry, —, 1327 xii.

Spithead, 369, 1332.
Spofforth, Samuel, 503 ii., 1014 xii., 1158.
......, ..., documents signed by, 535 iii., xiv., 1014 xxxviii.
Sprague, Edward, 433.
......, Samuel, 739.
Spratt, Henry, document signed by, 450 xvii.
Springfield (Mass.), 433, 448, 460, 739, 908.
Spruce Creek, 225.
Spurwinke (Mass.), 1025; *and see* Sparwink.
Squire, Charles, 1195.
......, Richard, document signed by, 981 vi.
Staats, Baarent, petition of, 620.
......, Samuel, 100, 222, 249, 340 v.
Stafford, William, p. 16.
......, ..., documents signed by, 535 xiv., 1014 xxxviii.
Stafford County (Va.), 450 xviii., 515, 516, 1176 xii.
Staly, Thomas, 658.
Stamford (Conn.), 861.
Stanbury, Nathan, 15 i., 1150 iii.
Stanley, Sir John, 279, 299, 333, 336, 675.
......, ..., letter to, 290.
......, ..., letter from, p. 195.
Stanton, William, 940.
Stanton's Bay (Barbados), 1110.
Stanup, John, document signed by, 981 vii.
Stapleton, Captain, 29, 860.
......, Thomas, 981 xii.
......, Sir William, late Governor of the Leeward Islands, 160.
Starr, Josias, 136, 538, 1014 xiv., xv., xxv. (*b*), xxxiv., lxvii., 1158.
......, ..., affidavit of, 608 v.
......, ..., letter to, 1014 ii.
Staten Island, 695, 1400.
Stationer, the, account of, 330.
Steel, Captain, 1198.
Stephens, —, 1327 xii.
Stephenson, William, 1249.
Stephyns, Joseph, 137.
Stevens, John, 1195.
Steward, John, 1150 iv.
Stewart, John, 1195.
......, Robert, Clerk of the Crown (Barbados), 714, 738, 844.
......, Thomas, 661.
Stillingfleet, Robert, 1110, 1300.
Stilwell, John, documents signed by, 29 iii., 1148.
Stirling, Henry Alexander, Earl of Stirling, 142 i., 416.
Stith, Drury, 981 xii.
Stocados, the, p. 24.
Stockdale, George, 86.
......, Margaret, 86.
Stoddard, Solomon, 177, 739.
Stokes, Silvanus, petition of, 836.
Stone, Samuel, 1014 xliii., xlvi.
......, ..., deposition of, 1014 xlviii., li., 1158, vii., viii.
......, Simond, 433.
......, William, documents signed by, 535 xiv., 1014 xxxviii.
Stoner, David, petition of, 493, 494.
Story, Charles, Secretary of New Hampshire, 137, 261, 996 ii., iii., p. 188.
......, ..., letters from, 265, 266, 545.
......, John, 1176 vi.
......, Thomas, 17 i., 950 ii., 1190.
......, ..., document signed by, 1407 i., ii.
Stovill, Elias, document signed by, 1014 liii.
Stratton Island, 1400; *and see* Staten Island.
Strickland, Richard, 494.
Stringer, —, 3.
Strombolo, H.M. ship, 123, 270.
Stuart, Thomas, document signed by, 1327 ix.
Stubbs, John, 981 xii.
Sturgis, Thomas, 433.
Success, sloop, 229, 394 i.
Sudbury (Mass.), 433, 739.
Suffield (Mass.), 448, 478, 921, 929.
Suffolk, County (Mass.), 30 v., 31 viii., 269, 433, 779, 1023, 1420 ii.
Suffolk County (New York), 664.
Sullivan, Daniel, 492.
Summers, Robert, letter from, 36.
Sumner, George, 433.
Sunderland, John, 85.
Sunderland, H.M. ship, 164, 737, 916.
Surrey County (Va.), 493, 494, 516, 523, 532, 836, 914, 1176 xii.
Sussex County (Pa.), 837, p. 903.
Sutton, John, 806.
......, Thomas, 173, 393, 806, 919, 1036, 1040, 1046, 1228.
......, ..., petition of, 1082 (iii.), 1083 (i.).
Swan, Thomas, 493, 494, 1176.
Swane, Jeremiah, 433.
Swanzey (Mass.), 739, 920.
Sweat (Thweat), James, 981 xii.
Sweden, H.M. Envoy at, letter from, 1095.
Swett, John, 30 iv.
Swift, John, 17 i., 256.
Symcocks, Thomas, petition of, 745, 745 i.
Symonds, John, Commodore, 575, 914, 981, 1053, 1115, 1176 viii., p. 657.
......, ..., document signed by, 1071.

T

Tailer, William, 30 v., 1413.
Talbot, —, 1190.
Talbot County (Maryland), 658.
Tankred, John, deposition of, 1014 xxxvi.
Tarpolin Cove, 939.
Taunton (Mass.), 433, 739, 898.
Taylor, — (agent for Naval Stores), 502, 581, p. 350.
......, Daniel, document signed by, 981 vi.
......, Edward, 883.
......, Henry, 1109.
......, Isaac, 336, 556, 563.
......, James, 13, 324, 350, 411, 422, 801, 921, 929, 940.
......, ..., letter from, 160.
......, ..., letter to, 346.
......, James, 981, xii., 1176 vi. (Va.).
......, Peter, 658.
......, Thomas, 658.
......, William, 1413; *and see* Tailer.
......, William (Tayloe), 1176 vi., vii.
Teauge, Pentecost, 15 i.
Temple, William, 981 xii.
Tench, Thomas, President of Maryland, 434 i., 1190.
......, ..., letters from, 575, 1061.
......, ..., letters, instructions to, 158, 158 i., 159, 575.
Teneriffe, 1015, 1150 iv.
Terrill, William, 457, 1063.
......, ..., petition of, 1241.
Terriss, Captain, 996.
Tessemacher, Abraham, 1327 v.
Tew, —, 237, 1014 xxxix., xliii., xlvi., xlvii., xlviii.
Thacker, Chicheley, Corbin, 981 xii.
......, ..., petition of, 522.
......, Edwin, 494, 523, 1176 vi.
......, Henry, 981 xii.
......, John, 30 v., 739, 768, 798, 1323.
......, Peter, 477.
Thames, the, 1377.
Thanet (*Thennett*), ship, 1246.
Theobalds, John, petition of, 639.
Thetis, sloop, 899.
Thistleworth, 1153 i.
Thomas, —, 1384.
......, Charles, 57, 456, 661, 804,
Thomas, Charles—*cont.* 959, 996, 1063, 1110, 1300, 1304, 1337.
......, ..., petition of, 5, 83.
......, Gabriel, petition of, 3, 7, 12.
......, John, 86, 572 (Barbados).
......, John, 428, 439, 458, 469 (Jamaica).
......, Major, junr., 1121.
......, Nathaniel, 30 v., 31 iii., 798.
......, Nathaniel, junr., 739.
......, Thomas, 739.
......, William, 1032, 1078, 1265.
......, ..., memorial from, 1270.
Thompson, John, deceased, 1118.
......, Matthew, document signed by, 450 xviii.
......, Richard, 1154, 1326, 1326 i.
......, ..., petition of, 212.
......, Stephens, 868, 868 i., 879, 889, 964, 975, 976, 100, 1019, 1022.
......, ..., letter from, 1003, 1006.
......, Sir William, 868.
Thornburgh, William, 215.
Thrale, John, Agent for New York, 42, 53, 96, 101, 134, 204, 249, 287, 290, 299, 318, 331, 336, 411, 422, 430, 437, 455, 470, 490, 513, 554, 556, 576, 590. 732, 766, 794, 860, 861, 1377.
......, ..., letters, memorials, from, 78, 130, 134, 279, 285, 286, 332, 351, 352, 441, 442, 582, p. 195.
......, ..., letters, &c. to, 51, 63, 286, 350, 1084.
......, ..., Agent for Virginia, 174, 233.
Thorowgood, Adam, 494.
......, ..., document signed by, 450 xvii.
Thruston, John, document signed by, 981 vii.
Thurgar, Robert, 1058, 1097, 1105.
Thurston, John, Agent for the Company at Newfoundland, 53, 433, 490, 609, 675, 715, 773, 780, 782, 825.
......, ..., letters, memorials, from, 60, 60 i., 64, 64 i., 75, 466, 467, 475, 513, 556, 560, 576, 577, 734, 734 i., 747, 751, 799, 803, 864, 867.
......, ..., letter to, 48.
Thweat, James. *See* Sweat.
Thynne, Thomas, Viscount Weymouth, a member of the Council of Trade and Plantations, 490.
......, ..., documents signed by, 6, 8, 20, 32, 37, 61, 70, 77 i., 100, 172, 178, 188, 215, 218, 251, 252, 292, 305, 339,

Thynne, Thomas, documents signed by—*cont.*
342, 342 i., 347, 356, 372, 373, 374, 398, 404, 407, 410, 415, 416, 434, 446, 471, 473, 474, 479, 495, 496, 506, 507, 508, 511, 527, 533, 536, 562, 565, 578 i., 580, 611, 612, 627, 628, 629, 630, 631, 633, 634, 635, 636, 681, 1243, 1260, 1281, 1287, 1299, 1304, 1305, 1306, 1313, 1314, 1383, 1389 ii., 1390, 1410.
......, ..., letter from, 825.
Tibbs, William, document signed by, 847.
Tiberoon, Cape, 123, 583, 1128.
Tillyard, Arthur, document signed by, 981 vi.
Tilton, Daniel, 168.
Tindal's Point, 515.
Titcomb, Benaiah, petition of, 921.
Titticut (Mass.), 898.
TOBAGO, 3.
Todd, Joseph, documents signed by, 535 xiv., 1014 xxxviii.
Tohanto, George (Indian), 432.
Tolman, Benjamin, 320.
Toogood, Edward, 969.
Toppin, Miles, 707, 804.
Topsfield (Mass.), 433, 739.
Topsham, 996, 1332.
Torbay (Newfoundland), 1379 i.
Torraile, M., 209, 328, 986 ii.
Toro, Elias, deposition of, 1327 viii.
Tothill, Jeremiah, petition of, 639.
Totterdale, Hugh, 810, 883, 897, 900, 1023, 1093, 1218, 1228.
......, ..., document signed by, 1082 (i.).
Townsend, Kingston, 827, 1110, 1241.
......, Penn., 13, 93, 456, 652, 739, 798.
TRADE, 189, 193, 345, 472, 697, 1150, 1170; *and see* Jeffreys, Sir Jeffrey; Quarry, Robert.
......, illegal, 16, 29 iv., 30, 206, 256 i. (c), (*d*), (*e*), 276, 300, 307, 309, 315, 611, 612, 697, 783 i., 847, 861, 959, 1059, 1065, 1072 i., 1091, 1124, 1124 i.-vi., 1150 ii., 1180, 1208 i., 1407 iii.
......, security of, 1208, 1208 i.; *and see* TRADE, Council of (reports from).
......, state of, 1290.
......, AND NAVIGATION, acts of, 194, 309, 661, 697, 861, 890, 903 i., 904, 914, 937, 950.
...., enforcement of, in the American Colonies, 3, 19, 23, 30, 160, 172, 179, 180, 212, 256 i. (*b*), 309, 315, 435,

Trade and Navigation, enforcement of—*cont.*
437, 611, 678, 861, 890, 903 i., 904, 911, 937, 950, 959, 993, 996 ii., iv., 1006, 1208 i., 1407 iii., p. 130.
TRADE AND PLANTATIONS, Council of, 87, 137, 265.
......, ..., accounts of, 930, 931, 932, 933, 1210–1213, 1416.
......, ..., division of, 204.
......, ..., postage for, 94, 330.
......, ..., incidental charges, 330, 339, 339 i., 386, 1206, 1209, 1210, 1211, 1212, 1213, 1213 i., 1417, 1418, 1419.
......, ..., Clerks of, petition of, 1404.
......, ..., Secretary to. *See* Popple, William.
......, ..., ..., account of, 330.
......,......, letters from, 96; *and see* Popple.
......, ..., letters to, 14, 126; *and see* Popple.
......, ..., journal of :—
[1702] 3, 12, 23, 39, 53, 73, 75, 96.
[1703] 134, 147, 160, 183, 204, 226, 233, 258, 279, 299, 306, 318, 324, 336, 350, 378, 391, 411, 422, 437, 455, 475, 490, 513, 528, 545, 556, 570, 576, 590, 609, 619, 637, 654, 662, 675, 689, 715, 732, 747, 766, 773, 794, 803, 814, 825, 841, 843, 851, 854, 864, 879, 900, 911, 930, 947, 963, 989, 1006, 1022, 1029, 1080, 1120, 1129, 1133, 1141, 1155, 1170, 1192, 1206, 1226, 1233, 1240, 1257, 1265, 1283, 1295, 1315, 1334, 1342, 1360, 1372, 1384, 1391, 1401, 1427.
......, ..., letters from :—
[1699] 279.
[1700] 324.
[1701] 150.
[1702] 3, 6, 11, 12, 20, 23, 24 i., 31 iii., 37, 39, 41, 42, 53, 61, 61 i., 70, 70 i., 73, 75, 137, 166, 235, 244, 255, 275, 315, 450, 492, 550, 557, 558, 575, 857, 880.
[1703] 134, 147, 158, 160, 177, 178, 183, 204, 205, 226, 233, 235, 238, 239, 241, 244, 245, 249, 250, 252, 256 i., 279, 291, 292, 299, 306, 324, 336, 337,

Trade and Plantations, Council of, letters from [1703]—*cont.* 339, 339 i., 342, 347, 350, 353, 354, 355, 356, 358, 372, 373, 378, 391, 392, 398, 410, 411, 415, 422, 426, 437, 446, 454, 455, 473, 475, 490, 493, 496, 506, 507, 508, 511, 512. 513, 526, 527, 528, 545, 554, 555, 556, 562, 570, 576, 590, 619, .621, 627, 629, 630, 631, 632, 633, 634, 635, 636, 637, 640, 654, 661, 675, 681, 689, 690, 697, 705, 715, 718, 719, 720, 721, 722, 724, 731, 732, 741, 742, 744, 750, 758, 761, 764, 782, 802, 825, 830, 830 i., 831, 831 i., 838, 839, 841, 842, 843, 847, 851, 864, 865, 870, 874, 879, 885, 911, 914, 930, 958, 959, 960, 962, 963, 964, 965, 966, 981, 989, 993, 1000, 1001, 1006, 1011, 1019, 1022, 1031, 1055, 1070, 1072 i., 1078, 1080, 1094, 1119, 1129, 1133, 1149, 1149 i., 1153, 1155, 1158, 1160, 1166, 1166 i., 1170, 1174, 1174 i., 1177, 1189, 1189 i., ii., 1191, 1191 i., 1192, 1202, 1204, 1205, 1206, 1226, 1233, 1240, 1243, 1257, 1260, 1265, 1281, 1283, 1287, 1295, 1304, 1305, 1306, 1313, 1314, 1315, 1322, 1342, 1360, 1372, 1383, 1384, 1391, 1392, 1401, 1405, 1410.

……, ……, Index to [1699 ff.], 1451.

……, ……, letters, instructions, to :—

[1699] 455, 934.

[1702] 3, 6, 9, 10, 12, [? 15], 16, 16 i., 17, [? 18], 23, 29, 31, 31 i., 32, 41, 41 i., 42, 42 i., 43, 46, [? 47], 50, 53, 70, 73, 74, 75, 76, 89, 89 i., ii., iii., 96, 178, 233, 235, 239, 241, 249, 250, 252, 258, 315, 331. 347, 372, 450, 473, 503, 590, 627, 632, 740, 744, 750, 764, 861.

[1703] 134, 144, 155, 160, 176, 188, 204, 205, 207, 225, 226, 233, 237, 237 i., 238, 239, 275, 279, 292, 295, 296, 299, 310, 310 i., 315, 315 i., 323, 324, 332,

Trade and Plantations, Council of, letters, instructions to [1703]—*cont.* 337, 347, 350, 351, 352, 357, 358, [? 366], 368, 368 i., 378, 381, 388, 391, 392, 401, 401 i.-vii., 410, 411, 422, 437, 440, 440 i., ii., 441, 442, 450, 450 i., 451, 452, 454, 455, 475, 485, 489, 489 i., 490, 496, 498, 503, 503 i., ii., 508, 512, 513, 519, 524, 524 i.-viii., 525, 533, 540, [? 543], 543 i., 544, 544 i., 545, 552, 554, 562, 565, 566, 569, 569 i., 570, 576, 582, 590, 608, 608 i.-vi., 609, 611, 614, 615, 631, 654, 662, 674, 674 i., ii., 675, 677, 689, 697, 697 i., 705, 715, 723, 723 i., 724, 729, 729 i., ii., 732, 740, 740 i., 742, 747, 750, 751, 758, 761, 761 i., 764, 764 i., 766, 782, 790 i., 791, 791 i., 794, 799, 799, i., 802, 803, 814, 823, 824, 825, 831, 841, 843, 854, 857, 857 i., 858, 859, 860, 860 i., 861, 861 i., 864, 868, 868 i., 869, 872, 874, 876, 876 i., ii., 879, 885, 885 i.-vi., 886, 886 i.-iv., 893, 899, 900, 905, 909, 911, 922, 930, 941, 944, 944 i.-v., 945, 945 i., 947, 950, 950 i., 959, 961, 962, 964, 965, 966, 981, 981 i.-xvii., 982, 982 i.-iv., 985, 985 i., 986, 986 i., ii., 989, 993, 993 i., 996, 996 i., 997, 1000, 1001, 1003, 1006, 1010, 1011, 1012, 1012 i., 1014, 1014 i.-lxix., 1015, 1017, 1029, 1033, 1033 i., 1047, 1053, 1054, 1055, 1055 i., 1057, 1059, 1072 i., ii., iii., 1078, 1078 i., 1079, 1079 i., 1080, 1085, 1094, 1094 i., ii., iii., 1098, 1116, 1116 i., ii., 1119, 1119 i.-v., 1124, 1124 i.-vi., 1126, 1129. 1131, 1132, 1132 i., 1133, 1136, 1147, 1147 i., 1150, 1153, 1155, 1158, 1158 i.-xvi., 1160, 1160 i., 1170, 1174, 1174 i., 1175, 1176, 1176 i.-xxi., 1177, 1180, 1189, 1190, 1192, 1198, 1198 i., 1202, 1204, 1205, 1206, 1219, 1221, 1225, 1226, Trade and Plantations, Council of, letters, instructions to [1703] – *cont.*

1233, 1238, 1238 I., 1240, 1243, 1257, 1260, 1262, 1265, 1271, 1280, 1281, 1283, 1287, 1290, 1295, 1304, 1305, 1306, 1313, 1314, 1315, 1322, 1324, 1327, 1327 I.-XX., 1342, 1347, 1354, 1360, 1372, 1383 I., 1384, 1391, 1394, 1394 I., 1395, 1398, 1398 I., II., 1400, 1407, 1414, 1421, 1425, 1427, p. 195.

......, ..., Index to [1699, ff.] 1451.

......, ..., reports, petitions, memorials, representations from :—

[1699] Maryland, laws of, 279.

[1702] Maryland, convoys, 75, 77, 77 I. : *and see* MARYLAND (naval protection).

New England, naval stores, 96, 972 ; *and see* Naval Stores.

Newfoundland, troops in, 75.

New Hampshire, merchants and inhabitants of, 75 ; *and see* Wybird, Richard.

New York, Council of, 96, 100, 100 I.

......., laws of, 96, 100, 102, 250.

St. Kitts, defences of, 23, 241.

......., laws of, 23, 32, 68, 69.

Virginia, convoys for, 75, 77, 77 I. : *and see* VIRGINIA (naval protection).

Wharton, William, naval stores, 75 ; *and see* Wharton, W. ; Dudley, Sir M.

[1703], American Colonies, appeals from (Admiralty), 890 ; *and see* COURTS.

......., currency in, 892, 1299 ; *and see* AMERICAN COLONIES (currency).

......., Governors of, salaries of, 536, 578 ; *and see* AMERICAN COLONIES (Governors of).

......., naval stores from, 391 ; *and see* Naval Stores.

......., Royal Arms for, 374, 378.

Trade and Plantations, Council of, reports, petitions, memorials, representations from—*cont.*

Antigua, laws of, 665 ; *and see* ANTIGUA.

Barbados, Governor of, 215, 215 I. ; *and see* Granville, Sir Bevil.

Bermuda, Lieut.-Governor of, 628 ; *and see* Larkin, George.

Jamaica, Jews in, 446 ; *and see* JAMAICA.

......., Governor of, instructions to, 891 ; *and see* Handaside.

......., laws of, 689, 691.

Port Royal, re-settling of, 621, 623 ; *and see* Port Royal.

......., privateers, encouragement of, impressment of seamen in, 1179.

......., regimental officers, pay of, 1149 I. ; *and see* Anne, Queen (reports to).

Leeward Islands, Governor of, 407, 408, 409, 411.

......., laws of, 160, 474, 475, 484, 495, 689, 692.

Long Island, propriety of, 416.

Maryland, Act for Religion, 183, 201, 204.

......., Governor of, 172, 172 I.

......., Governor of, instructions to, 434, 434 I. ; *and see* Seymour, John.

Massachusetts, defences of, 687, 687 I.

......., state of defences of, 611, 922, 1025.

......., Governor of, p. 195.

Montserrat, laws of, 666 ; *and see* MONTSERRAT.

Nevis, law of, 1005 ; *and see* Northey, Sir Edward.

New England, naval stores, 378, 391, 404, 405, 406, 411.

Newfoundland, Carbonier, inhabitants of, 324 ; *and see* Carbonier.

......., defences of, troops in, &c., 475, 479, 485, 513, 552, 607 I. ; *and see* NEWFOUNDLAND (defences).

...... fishery and defences of, 336, 342, 342 I. ; *and see* NEWFOUNDLAND (merchants).

New Hampshire, defences of, 687, 687 I.

Trade and Plantations, Council of, reports, petitions, memorials, representations from :—New Hampshire—*cont.*
......, state of defences of, 611, 922.
......, lands in, 556, 564, 580 ; *and see* Allen, Samuel ; NEW HAMPSHIRE (lands in).
......, laws of, 1214.
......, Lieut.-Governor of 612 ; *and see* Partridge, William.
......, Lieut.-Governor of, commission for, 640, 640 I. ; *and see* Usher, John.
......, naval stores, 226.
New York, Atwood, Weaver, 188 ; *and see* Atwood, William.
......, East Chester, town of, 226, 233, 250, 251.
......, general state of, 422.
......, Governor of, present to, 411.
......, laws of, 471, 475, 483.
......, [1700] 226 ; *and see* East Chester (above).
......, state of defences of, 528, 533, 554.
Pennsylvania, Deputy-Governor of, 903. 903 I. ; *and see* Evans, John.
......, Three Lower Counties of, 218 ; *and see* Hamilton, Andrew ; Penn, William.
St. Christopher's, Lieut.-Governor of, 845 ; *and see* Hamilton, Walter.
Virginia, Attorney-General of, 889 ; *and see* Thompson, Stephens.
......, Bellomont, Countess of, 292 ; *and see* Coote.
Jeffreys, Sir Jeffrey, 373 ; *and see* Jeffreys.
Trade, security of, 1206, 1208, 1208 I., 1390, 1391.
......, Index to, [1699 ff.], 1451.
......, ..., reports, memorials, petitions, representations, to :—
[1697] Barbados, Richardson, Thornburgh, 215 ; *and see* Colleton, Sir John.
[1700] New Hampshire, ship siezed in, 85 *and see* Wibird, Richard.

Trade and Plantations, Council of, reports, memorials, petitions, representations to—*cont.*
[1701] New Hampshire, *Hopewell*, seizure of, 150,
[1702] New England, naval stores, 84 ; *and see* NEW ENGLAND.
Pennsylvania, Three Lower Counties, 16 II., 17 V. *and see* Penn, William.
Allen, Samuel, 65, 66, 66 I.
Atwood, William, 12 ; *and see* Atwood.
Thomas, Gabriel, 3, 7, 12.
Usher, John, 23.
[1703], American Colonies, Governors of, prosecution of, 444, 444 I. ; *and see* Northey, Sir Edward.
......, merchants of, 376 ; *and see* Jeffreys, Sir Jeffrey.
Antigua, settlement of Papists in, 461 ; *and see* Mackenin, Daniel.
......, Councillor, 1026 I. ; *and see* Morris, Thomas.
Bahamas, Governor of, 183 ; *and see* Haskett, Elias.
Barbados, Councillor of, 675, 682 ; *and see* Maxwell.
......, laws of, 1167, 1215 ; *and see* Northey, Sir Edward.
......, merchants, memorial from, 1360, 1370 I., 1389, 1389 I., II.
Bermuda, Lieut.-Governor of, *versus* Larkin, 1014, 1014 I.-LXIX. ; *and see* Bennett, Benjamin.
......, laws of, 1356, 1357.
Carolina, convoys for, 1377, 1389, 1389 I., II.
......, defences of, 1268, 1268 I.
Jamaica, Jews in, 421 ; *and see* JAMAICA.
......, law of, 1083, 1333.
......, masters of ships, 1238 I. ; *and see* Port Royal ; Kingston.
......, merchants and traders of, 1328 ; *and see* JAMAICA (merchants).
......, naval stores, 1247 ; *and see* Naval Stores ; Haynes, Richard ; Mason Stephen ; Oursel, Nicholas.

Trade and Plantations, Council of, reports, memorials, petitions, representations to:—Jamaica—*cont.*
......, Port Royal, resettling of, 617, 618, 1279 i.; *and see* Port Royal.
......, proposal for settling, 1428.
Leeward Islands, defences of, 1270; *and see* LEEWARD ISLANDS (defences).
......, merchants trading to, 1319; *and see* LEEWARD ISLANDS (naval protection).
Maryland, Act for Religion, 141; *and see* Wyeth, Joseph.
......, Governor of, 420, 420 i.-v.; *and see* Seymour, John.
......, merchants trading to, 777, 1293; *and see* MARYLAND; VIRGINIA (merchants).
......, Proprietary of, 155, 160.
Mohican Indians, 1353; *and see* Hallam, Nicholas.
Nevis, laws of, 946; *and see* Northey, Sir Edward.
New England, defences of, 264.
......, merchants, 1360, 1369, 1389, 1389 i., ii.
......, naval stores, 203; *and see* NEW ENGLAND; Wharton, William; Naval Stores.
......, undertakers for naval stores, 579, 581; *and see* Wharton, William Naval Stores.
Newfoundland, fishery and defences of, 316, 318; *and see* NEWFOUNDLAND (merchants); Roope, John.
......, merchants of, 1332; *and see* NEWFOUNDLAND (merchants).
......, state of, 1264, 1264 i.-viii.
......, troops quartered in, 281, 281 i., 467; *and see* Powell, John; Thurston, John.
New Hampshire, disorders in, 715; *and see* Coote, Richard.
......, lands in, title to, 132, 134, 257, 258.
......, Lieut.-Governor of, 603, 612; *and see* Partridge, W.

Trade and Plantations, Council of, reports, memorials, petitions, representations to:—New Hampshire—*cont.*
......, naval stores, 225, 226.
......, Proprietary of. *See* Allen, Samuel.
New York, Atwood, Weaver 130; *and see* Thrale, John.
......, administration of, 695.
......, Lieut.-Governor of, 295, 299; *and see* Nanfan.
......, Indians, 1018; *and see* Livingstone, Robert.
......, merchants trading to, convoys, 1372, 1388, 1389 i., ii.
......, state of defence of, 249.
......, troops quartered in, 466; *and see* Thrale, J.; Chiampanti, J.; Nanfan, J.
Pennsylvania, coinage, inequality of, 604.
......, Lieut.-Governor of, 226.
......, Three Lower Counties of, 256, 368 ii.; *and see* Penn, William.
Pennsylvania Company, naval stores, 1269; *and see* Byfield, Thomas.
......, convoys, 1292.
Proprietary Colonies, reassuming of to the Crown, 837; *and see* PROPRIETARY COLONIES.
Rhode Island, irregularities in, 717.
......, law of, 1415.
St. Kitts, Lieut.-Governor of, 561; *and see* Tryon, Rowland.
Virginia, merchants trading to, 126, 777, 1293; *and see* VIRGINIA (merchants).
Bellomont, Countess of, 563, 725; *and see* Taylor, Isaac.
Byerley, Thomas, 417; *and see* Byerley.
Chiampanti, J., 534; *and see* Nanfan, John.
Council of Trade, Clerks of, 1404.
Dudley, Sir Matthew, naval stores, 824; *and see* Naval Stores.
Hallam, Nicholas, 1353; *and see* Indians (Mohican).

Trade and Plantations, Council of, reports, memorials, petitions, representations to—*cont.*
  Lilly, Christian, 128.
  Plaisted, J., 1396.
  Plowman, Matthew, 1405.
  Prizes, Commissioners of, 1406 ; *and see* Admiralty (Commissioners of); Prizes.
  Richardson, John, 462 ; *and see* Richardson.
  Roope, John, 391, 403, 626, 637, 1338 ; *and see* Newfoundland (merchants of).
  Thrale, John, 130, 134, 285, 286, 466.
  Usher, John, 698 ; *and see* New Hampshire, Lieut.-Governor of (above).
......, ..., Index to [1699 ff.], 1451.
Trant, Gerret, 461 i.
......, Thomas, 461 i.
......, Thomas, junr., 461 i.
Travers, Giles, document signed by, 450 xviii.
Treasurer, Lord High, the. *See* Godolphin, Lord.
......, ..., letter to, 281 i.
Treasury, the, Lords Commissioners of, 41.
......, ..., ..., letters, &c. to [1702], 3 ; *and see* Godolphin.
......, Solicitor to. *See* Borret.
......, Secretary to. *See* Lowndes, William.
Treheo, Patt., document signed by 618.
Trench, Robert, documents signed by, 17 iv., v.
Trevet, Richard, 433, 739.
Trevethan, Sampson, 127.
Trevor, Sir Thomas, late Attorney-General, reports from (Maryland, laws of), 825, 843.
Trial, H.M. ship, 1116, p. 459.
Trimingham, John, documents signed by, 535 xiv., 1014 xxxviii.
Trinidad, 86.
Trinity Bay and Harbour (Newfoundland), 156, 316, 318, 342 i., 360, 370, 387, 782, 1332, 1379 i.
......, a retreat from the French, 1339, 1342.
Trowell, Philip, 804, 805, 826.
Trobridge, James, 433, 739.
Troop, John, 30 iv.
Trott, Bernard, petition of, 1242.
Tryon, Rowland, memorial from, 556, 561, 834, 834 i., 843.
Tubman, Ellianor, 379.
Tucker, —, 119, 673, 909.
......, Dan, documents signed by, 535 xiv., 1014, xxxviii.
......, George, documents signed by, 535 xiv.
......, St. George, documents signed by, 535 xiv, 1014, xxxvii., xxxviii.
......, William, documents signed by, 535 xiv., 1014 xxxviii.
Tucker's Town (Bermuda), 1014 lxv.
Tunison, Cornelius, 1249.
Turfrey, George, 269, 1344, 1385.
......, ..., letters from, 380, 1037.
Turks Islands, 909.
Turner, Aaron, document signed by, 1014 liii.
......, Edward, 173.
Tuthill, Zechariah, 1207.
Tuttles, Captain, 1114.
Tyley, Samuel, 954.
Tyndal's Point (Va.), 1176 vii.
Tyng, Jonathan, 30 v., 302, 759, 969, 978, 1413.
......, ..., letter from, 625.
......, William, 1413.

U

Ulster County (New York), 100, 861.
Uncas (Indian), 1353.
Updike, Lodowick, 674 ii.
......, Mrs., 674 ii.
Upper Chippoakes (Va.), 981 xii.
Usher, John, late Lieut.-Governor of New Hampshire, 96, 134, 206 i., 257, 258, 279, 299, 300, 318, 478, 545, 576, 570, 590, 603, 612.
......, ..., Lieut.-Governor of New Hampshire, 614, 627, 637, 649 i., 654, 670, 672, 675, 696, 711, 773, 789, 794, 812, 825, 830, 830 i., 954, 965, 1094, 1183, 1198, 1266, 1234, 1246, 1296, 1425 ii., v.
......, ..., commission for, 640, 640 i., 649, 812, 825.
......, ..., letters, memorials, from, 23, 204, 206 ii., 309, 698, 712, 715, 825, 872, 879, 1225, 1365, 1382, 1425, 1425 i., 1425 i. (*d*), (*g*), (*i*), 1425, ii., 1427.

Usher, John—*cont.*
......, ..., letters, instructions, to, 730, 732, 891, 930, 1365, 1382, 1409, 1425 I. (*c*), (*f*), (*h*), 1425 VIII., IX.
Uytendael, Lucas, 1327 IV.

V

Vanderburgh, Dyrck, petition of, 680.
Vassall, William, 190, 476, 785, 806, 865, 938, 970, 1058, 1097, 1228.
Vaughan, John, Earl of Carbery, late Governor of Jamaica, 384, 1295.
......, William, Agent for New Hampshire, 233, 261, 279, 299, 309, 318, 675, 715, 1245, 1365, 1382, 1425, 1425 I.
......, ..., letters from, 225, 226, 265, 300.
......, ..., petition from, 649 I., 654, 672, 698, 789.
......, ..., letter to, 243.
Vechta, Johannes van, petition of, 620.
Vera Cruz, 22, 124.
Vere (Jamaica), 173, 1112, 1327 XVI.
Vernon, James, Secretary of State, 87.
Vesey, William, petition of, 1171, 1207.
Vetch, Samuel, document signed by, 325.
Vice-Admiral of the Fleet in Jamaica, letter to, 643, 645.
Victualling Office, the, 140, 379, 643, 658, 715, 780, 836, 1042.
......, Agent of (Jamaica), letter to, 644, 645.
Vigo, 193, 301, 380, 392, 652.
Vincent, Samuel, documents signed by, 1071, 1424 I.
VIRGINIA, 16, 336, 455, 462, 861.
......, Governor of, 16; *and see* Nicholson, Francis.
......, ..., letters, instructions, to, 147, 160, 368, 493, 575.
......, ..., letters from, 368, 575.
......, ..., salary of, 536; *and see* AMERICAN COLONIES.
......, Governor and Council of, 191, 532, 557, 735, 814.
......, President and Council, government by, 616, 981 VIII.
Virginia—*cont.*
......, Committee of Claims, report of, 450 VI., VII.
......, ..., for inspecting Capitol, journal of, 450 XVI.
......, Grand Jury of, address from, 450 XIX., 981 VII., 1176 VI.
......, Secretary of, 515; *and see* Jennings, Edmund.
......, Vice-Admiralty in. *See* COURTS.
......, Burgesses, House of, 450 XIII., XIV., 521, 522, 531, 550, 551, 557, 558, 559, 981 VIII.
......, ..., journal of, 450 IV., 482, 494, 516, 523, 532, 551, 559, 981 III., 1176 XVI.
......, ..., address from [1696], 1176 IV.
......, Council of, 521, 522, 531, 550, 551, 557, 558.
......, ..., minutes of, 103.
......, ..., ..., [1703] 127, 140, 174, 191, 214, 364, 450 II., 480, 492, 514, 520, 521, 537, 549, 557, 592, 616, 836, 914, 981 IV., V., 1053.
......, ..., journal of, 140, 1115, 1169, 1176 III., XIV., XVII., 1186.
......, ..., Councillors, 1053, 1176, 1176 VII. (*a*), (*b*).
......, Council in Assembly, 521.
......, ..., minutes of, 450 III., 481, 493, 515, 522, 531, 550, 558, 981 II., 1176 XV.
......, ..., journal of, 557.
.... petition of [1701], 558.
......, Agent for. *See* Thrale, John; Perry, Micaiah.
......, boundaries with Maryland, 532.
......, college in. *See* William and Mary, Royal College of.
......, courts of justice in. *See* COURTS.
......, currency in, 523.
......, customs, excise, 523, 981, XIII., XIV.
......, day of thanksgiving ordered in, 481, 492, 493, 531, 981, 981 VIII.
......, defences of, stores of war for, 16, 176, 205, 233, 492, 493, 532, 549, 557, 570, 836, 914, 981, 981 XVII., 1176 XIII.
......, ... quota of assistance to New York, 103, 481, 521, 522, 532, 721.
...... denization of foreigners, 493, 515, 532.
......, impressment of seamen, 103.
......, Indians, 559, 616, 1344; *and see* Indians.

Virginia—*cont.*
......, lands in, patents for, list of, 981 XII.
......, laws of, 16, 114, 450, 450 V., XIV., 481, 493, 522, 523, 531, 532, 550, 551, 557, 558, 559, 747, 753, 754, 876, 944, 1176 XIX., XX., 1447.
 [1664], 836.
 [1680], 532.
......, merchants trading to, petition of, 38, 38 I., II., III., 45, 45 I., II., 55, 55 I., 71, 72, 72 I., 73, 77, 77 I., 97, 126, 365, 365 I., 427, 763, 763 I., 766, 770, 771, 773, 777, 790, I., 1293, 1294, 1295, 1372, 1389, 1389 I., II.
......, militia in, 16, 205, 531, 532, 836, 981, 1053, 1176 XI.
......, naval protection, convoys, for, 16, 23, 38 I., II., III., 45 I., II., 53, 54, 55 I., 58, 58 I., 71, 72, 72 I., 73, 77, 77 I., 97, 103, 126, 133, 134, 138, 147, 157, 158, 158 I., 159, 160, 171, 174, 191, 205, 214, 244, 245, 285, 364, 365, 365 I., 427, 450 I., 557, 763, 763 I., 766, 770, 771, 773, 777, 778, 790 I., 794, 836, 876, 914, 944, 981, 981 V., 982, 982 II., III., IV., 997, 1053, 1061, 1115, 1126, 1150, 1176, 1293, 1294, 1295, 1372, 1389, 1389 I., II.
......, negroes, 127, 521, 523, 981 XIII., XIV.
......, pirates, 171 ; *and see* Pirates.
......, revenue, 16, 23, 77 I., 127, 174, 951.
......, servants, 523, 981 XIII., XIV.
......, tithables, 550, 1176 XII.
......, ..., list of, 450 VIII., IX., 1354.
......, trade of, 38, 45 I., II., 53, 450 I., 557 ; *and see* naval protection (above).
......, ..., imports (tobacco), account of, 1352, 1360, 1366.
......, troops quartered in, 1176 XIII.
Vose, Thomas, 739.
Voysey, John, memorial from, 1381.
Vurel, Samuel, 920.

W

Waban, Thomas, petition of, 929.
Waddy, James, 494.
Wade, Cooper, 123, 143, 289, 311, 583.
......, ..., document signed by, 1424 I.
Wadleigh, John, 1025, 1323.
Wadsworth, Timothy, 320, 652.
Waffe, Thomas, petition of, 1075, 1076.
Wagar, Captain, 670.
Wainwright, Benjamin, documents signed by, 535 XIV., 1014 XXXVIII.
......, Colonel, 1034, 1171.
......, Francis, 30 V., 798.
......, John, 30 V., 1426.
Waite, John, 30 IV., 584.
......, Robert, 1063.
Wakefield, John, junr., 920.
Waldron, Richard, 432, 698, 996, 1425, 1425 II.
......, ..., letter from, 460.
Walduck, Thomas, 457, 1195.
Wales, 996 V.
Wales, Benjamin, petition of, 195.
Waley, Mrs., 836.
Walker, —, 519, 1079.
......, Alexander, 4, 826, 1063.
......, Charles, 136, 237, 503 II., 1014 XII.
......, ..., documents signed by, 535 III., XIV., 1014 XXXVII.
......, George, petition of, 616.
......, Henderson, President of North Carolina, letter from, 616.
...... (Commodore), Hovenden, 34, 86, 95, 209, 1011, 1160, p. 331.
......, ..., document signed by, 1071.
......, ..., journal of, 737,
......, ..., letters from, 164, 230, 298.
......, John, 433, 1171.
......, ..., document signed by, 450 XIX.
......, Ralph, 1195.
......, Samuel, 1035.
......, Thomas, 572.
Wall, —, memorial of, 137.
Wallace, James, 127.
Waller, John, 1176 VI.
......, ..., document signed by, 981 VII.
Walley, John, 31 III., 739, 929.
Wallis, William, Agent for Naval Stores, 315, 502, 581, p. 350.
Walron, G., document signed by, 1071.
Walter, John, deceased, 182.
......, Seger, document signed by, 618.
Walters, John, petition of, 1082 (iii.), 1083 (I.).
......, Robert, 100, 222, 249, 340 V.
......, Walt., document signed by, 981 VIII.

Walton, George, affidavit of, 199 iii.
......, Shadrach, 315, 696, 697, 1234, 1425, 1425 v., vi.
......, ..., letters, memorials of, 75, 85, 238, 996 v., 1425 viii.
Walty, William, document signed by, 618.
Wanton, William, 30 i.
......, ..., commission, &c., 401 v., vi.
......, ..., document signed by, 401 vii.
Ward, John, 17 i.
Ware, Robert, 739.
Warre, R., 732.
......, ..., letters from, 487, 487 i., ii., iii., 490, 607, 607 i.-iv., 609, 792.
......, ..., letter to, 792.
Warren, James, 433.
......, Nathaniel, 779.
Warters, J., 1321, 1391.
......, ..., letter from, 1359.
......, ..., letters to, 1342, 1359.
Warwick County (Va.), 127, 494, 1176 xii.
Wataanuck (Wattaanack), 302, 432.
Waterhouse, Benjamin, letter from, 568, 570.
......, ..., letter to, 1226.
......, David, documents signed by, 267, 1240.
......, Jacob, 1195.
......, John, 1195.
Waterman, John, 457.
......, Margaret, petition of, 457.
Watertown (Mass.), 433, 739.
Watkins, Thomas, petition of, 535 xvi., 1014 xv. (*b*).
Watlington, William, document signed by, 535 xiv., 1014 xxxviii.
Watson, —, 1238.
......, Captain, 950.
......, John, 13.
Wattanuman (Indian), 432, 625, 969.
Wash, T., document signed by, 618.
Washington, John, documents signed by, 450 xviii., xix.
Waugh, Alexander, document signed by, 450 xviii.
Wavell (Wyvil), Captain David, 737, 967, 995, 1055, 1166, 1204, p. 446.
......, ..., letters from, 979, 1055 iv.
......, ..., letters to, 979, 1055 ii.
Way, Benjamin, Agent for Jamaica, 590, 1083, 1141, 1401.
......, ..., document signed by, 618.
......, ..., letters from, 1147 i., 1155, 1220, 1221, 1238.
Way, Benjamin—*cont.*
......, ..., letter to, 606.
Wayte, John. *See* Waite.
Weale, Benjamin, 457.
......, John, 457.
Weare, Nathaniel, 1183.
Weaver, Thomas, 29, 46, 53, 61, 70, 100, 101, 130, 134, 147, 160, 183, 188, 197, 204, 222, 224, 249, 336, 310 v., 422, 554, 761, p. 17.
......, ..., memorials, petition from, 181, 181 i., 186.
......, ..., letter to, 139.
Webb, Christopher, 457.
......, Nathaniel, 457.
Webber, Jonathan, 1425 viii. (*b*).
......, ..., document signed by, 1.
Weemes, James, 533.
......, ..., document signed by, 42 ii.
Wells, Joseph, 30 iv.
Wells (Mass.), 460, 477, 1025, 1067, 1078, 1094, 1425 viii. (*b*).
Welsh, John, 127.
Welshman's Cove (New Hampshire), 672.
Wenham, Thomas, 100, 100 i.
Wenham (Mass.), 433, 739.
West, Betty, 670.
......, John, 494.
......, ..., document signed by, 450 xviii.
......, John, junr., document signed by, 450 xviii.
......, Nathaniel, 364.
......, Thomas, 494.
......, William, 160.
West Chester (Jamaica), 344, 524 vii.
West Chester (New York), 226, 251, 313, 1083.
WEST INDIES, the, 30, 30 iv., 53, 54, 170, 247, 273, 274, 315, 319, 421, 557, 694, 737, 750, 860, 861, 981, 1071, 1150, 1275.
......, forces going to, 192, 193.
......, packet-boats to, 317, 317 i., 744, 791 i., 1050, 1051, 1077, 1119, 1124, 1223, 1224 : *and see* Dummer, E. ; Jeffreys, Sir Jeffrey.
......, proposal for distribution of prizes taken in, 76.
......, war in, 345 ; *and see* FRANCE.
West Point, 515.
West River, 1190.
Westchester County (New York), 251, 680, 861.
Westcomb, James, 523.
......, ..., document signed by, 450 xix.
Westfield (Mass.), 433, 739.
Westminster, 501.

Westmorland County (Va.), 558, 559, 1176 xii.
Westmorland, parish (Jamaica), 1048, 1097, 1103, 1113, 1130, 1164, 1176 vii.
Weston, Samuel, memorial from, 1381.
Weymouth, Viscount. *See* Thynne, Thomas.
Weymouth, 1332.
......, Mayor of, letter from, 402.
Weymouth (Mass.), 433, 739, 1039, 1081.
Whaley, Mary, petition of, 1053.
Wharton, George, 183, 233, 570, 637, 662, 675.
......, William, Agent for Naval Stores, 14 i., 53, 134, 160, 279, 300, 304, 1226, 1342.
......, ..., documents signed by, 1020, 1021, 1022.
......, ..., letters, memorials from, 14, 75, 84, 165, 203, 204, 206, 335, 335 i., ii., 579, 590, 824, 825.
......, ..., letters to, 59, 147, 153, 989, 992.
Wheatly, Solomon, document signed by, 981 vi.
Wheeler, —, 1223 iii. (*b*).
......, Sir Francis, 209.
......, John, 739.
Whetham, Colonel, 737, 1265.
Whetstone, William, Rear-Admiral, 123, 275, 583, 673, 1224 i., 1240, 1315.
......, ..., documents signed by, 270, 1071.
......, ..., letters from, 95, 289, 301, 319,
......, ..., letters to, 26, 95, 301, 319, 1295.
......, ..., letter from [1702], 289.
Whitchurch, James, 1083.
......, ..., letter from, 1221, 1238.
......, James, senr., document signed by, 618.
White, Captain, 1014 xii., xlix.
......, Anthony, 237, 503, 503 ii.
...., documents signed by 535 iii., xiv., 1014 xxxvii.
......, James, 885 iii., iv.
......, John, 13, 433, 517, 801, 940, 1038, 1284.
......, ..., document signed by, 847.
......, Leonard, document signed by, 535 xiv., 1014 xxxvii.
......, Solomon, document signed by, 450, xvii.
Whitehall, Edward, document signed by, 267.
Whitehaven, 55 i.
Whitehead, Daniel, 664.
......, ..., documents signed by, 29 iii., 748.
Whitney, John, 717.
Whitroe, Thomas, document signed by, 1164 v.
Whittington, —, p. 903.
Whorekills, p. 903.
Wibird, Richard. *See* Wybird.
Wickham, John, 504.
Wickins, Seth, document signed by, 981 viii.
Wier, —, 996.
Wilcox, Joseph, 15 i.
Willard, Benjamin, 978, 1426.
......, Daniel, 93, 652, 999, 1413, 1425 viii.
......, Samuel, 13, 1266.
......, Simon, 529, 1426.
Willett, Benjamin, 301.
......, Richard, document signed by, 42 ii.
......, William, documents signed by, 29 iii., iv., 748.
William II., 444.
William III., 15 i., 32, 141, 169, 269, 307, 367, 519, 608 i., 920, 928, 1079, 1119, 1121, 1252, 1407 i.
......, letters, instructions, from, 136, 201, 718, 719, 720, 721, 722.
......, addresses, petitions, memorials, &c., to:—
    Commons, House of, address from, 1401.
    Hudson Bay Company, 104.
    Newfoundland, fishery and defences of, 316.
    [1699] Maryland, Proprietary of, 155.
    [1701] New York, inhabitants of, 12, 23, 147.
    [1702] New Hampshire, Lieut.-Governor, Council and Representatives of, 265.
......, order in Council [1699], 279.
William, Fort (Jamaica), 1107, 1133, 1152, 1154.
William and Mary, Royal College of (Va.), 493, 537, 558, 1186.
William and Mary, fort (New Hampshire), 225, 1200, 1365, 1425 ix.
William and Mary, parish (Maryland), 1031, 1118.
Williams, John, 1182.
......, John, Lieutenant, 457.
......, Philip, 981 xii.
......, Sarah, petition of, 914.
......, William, 981 xii.
......, ..., document signed by, 837.

Williamsburgh, 140, 450 i., 532, 836, 889, 914, 1053, 1176 vii.
Willis, Henry, 1086.
......, Samuel, 30 iv.
......, Thomas, 433.
Willott, William. *See* Willett.
Willoughby Fort (Barbados), 86, 1009.
Wills, Charles, document signed by, 1071.
......, Lieut.-Colonel, 259, 298, 737.
......, (Willis), letter from, 135.
Wilmer, Nathaniel, 1349.
Wilmot, Commodore, 1026 i.
Wilshire, George, 1138, 1241.
Wilson, Andrew, 488, 584, 717, 1323.
......, Charles, petition of, 572.
......, James, 494.
......, Joseph, 739.
......, Robert, document signed by, 618.
......, William, 127, 140, 174.
......, ..., document signed by, 450 xix.
Windsor (Conn.), 530.
Windsor (Mass.), 929.
Windsor, H.M. ship, 123, 123 i., 270, 869.
WINDWARD ISLANDS, French, 170; *and see* CARIBBEE ISLANDS.
Wineganse, 1025.
Wings Lane (Boston), 1171.
Winkley, Samuel, 433.
Winn, Joshua, 494.
Winslow, Isaac, 30 v., 760, 898.
......, Nathaniel, 433.
......, Penelope, 1232.
......, ..., petition of, 929.
Winter Harbour (Mass.), 584, 1025, 1034, 1037, 1425 viii. (*b*).
Winthrop, John, Governor of Connecticut, 675.
......, ..., letters from, 23, 432, 1044, 1085, 1265.
......, ..., letters to, 675, 1037.
......, Wait, 739, 920.
Wise, William, 30 iv.
Withywood, 301, 1224 i.
Witles Bay (Newfoundland), 1379 i.
Wolcot, Josiah, 380, 433.
Woobourne (Mass.), 433, 739.
Wood, Anthony, 363, 458, 638, 856, 873, 1043.
......, Edward, 885 iii.,
......, Edward, junr., 981 xii.
......, Richard, 885 iii., iv.
......, Thomas, documents signed by, 535 xiv., 1014 xxxviii.
Wood Island, 137.
Wood Street, p. 631.
Woodard, 929.
Woodberry, Isaac, 433, 739.
Woodbridge, Dudley, 804, 1195.
Woodhouse, Horatio, document signed by, 450 xvii.
Woodman, Captain, 1425 i.
Woodson, John, 914, 981 xii, 1053.
Woodstock (Mass.), 433, 795.
Woodward, Anthony, petition of, 1249.
Woodwell, John, 30 iv.
Woolford, Roger, 658.
Woolley, C., document signed by, 42 ii.
Woolwich, 335 ii.
Worcester (Mass.), 13.
Wormal, William, 269, 380, 584.
Worsam, Richard, 769.
Wray, Isaac, 885 iii., iv.
Wrentham (Mass.), 433, 739.
Wright, —, documents signed by, 714, 1345.
......, Benjamin, 30 iv.
......, Caleb, deposition of, 1014 xxxi.
......, Dionisius, 557.
......, Samuel, 775.
Wrightman, William, document signed by, 1071.
Wyatt, Richard, 1176 vi.
......, ..., document signed by, 981 vii.
Wybird, Elizabeth, petition of, 1245.
......, Richard, 279, 300, 697.
......, ..., memorial, depositions, &c., of, 75, 85, 206 iii., 238, 996 v.
Wych [? Wyeth], —, 23.
Wyeth, Joseph [23], 75.
......, ..., letters, petitions, of, 141, 147, 169, 183.
......, ..., letter to, 152.
Wynn, Thomas, 616.
Wyvil, Captain. *See* Wavell, David.

Y

Yacht, the (Barbados), 1110.
Yard, R., a Commissioner of Prizes, documents signed by, 1291, 1320, 1423.
Yarmouth (Mass.), 433, 477, 739.
Yarmouth, H.M. ship, 737.
Yates, —, 53.
......, Bar., document signed by, 981 vi.
......, Robert, letter to, 138.
Yeates, Jasper, 16, 368 iii., 950, 1407 i., iii.
......, ..., documents signed by, 17 iv., v., 858.

Yeates, Jasper—*cont.*
......, ..., letters from, 1239, 1257.
Yellows Bay, 1224 I. (*e*).
Yeomans, Elizabeth, 457.
......, Robert, 457, 826.
......, ..., petition of, 1122, 1139.
York, Duke of. *See* James II.
York County (Mass.), 30 V., 433, 652, 739, 1034, 969, 1067, 1075, 1344.
York County (Va.), 127, 494, 981 XII., 1115, 1176 XII.
...... River, 127, 214, 537, 1115, 1176 VII.
York, H.M. ship, 124, 270, 876, 914.